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Council Proceedings

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Bengal Legislative Council

Thirty-ninth Session, 1932

1st to 5th August, 1932

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

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1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

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2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. J. A. WOODHEAD, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Mr. R. N. REID, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government
2. Excise.

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PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-ninth Session.

1. Mr. B. C. CHATTERJEE, Bar.-at-Law.
2. Khan Bahadur Maulvi AZIZUL HAQUE.
3. Mr. W. H. THOMPSON.
4. Mr. SYAMAPROSAD MOOKERJEE, Bar.-at-Law.

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Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY, I.S.O.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Austin, Mr. J. M. (Bengal Chamber of Commerce.)

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Burral, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Siddheswar. (Expert, Nominated.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]

Choudhury, Maulvi Nurul Absar. [Chittagong North (Muhammadan).]

Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]

Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]

Cohen, Mr. D. J. (Nominated Non-official.)

Coppinger, Major General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)

Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]

Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]

Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]

Faweus, Mr. L. B. (Nominated Official.)

Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]

Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gangali, Rai Bahadur Susil Kumar. (Nominated Official.)

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]

Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)

Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)

Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Henderson, Mr. A. G. R. (Nominated Official.)
Higgins, Mr. R. (Expert, Nominated.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Kerr, Mr. W. J. (Nominated Official.)
Khan, Maulvi Amin-uz-Zaman. (Nominated Official.)
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leeson, Mr. G. W. (Bengal Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

* Deputy President, Bengal Legislative Council.

McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mortimer, Mr. H. R. [Rajshahi (European).]
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Norton, Mr. H. R. (Calcutta Trades Association.)

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]

Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Reid, the Hon'ble Mr R. N., C.I.E. (Member, Executive Council.)
Ross, Mr. J. (Indian Tea Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Mr. B. R. (Nominated Official.)
Sen, Mr. Girish Chandra. (Expert, Nominated.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]

* President of the Bengal Legislative Council.

Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thomas, Mr. M. P. (Indian Jute Mills Association.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)
Twynam, Mr. H. J. (Nominated Official.)

W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Thirty-ninth Session.)

Volume XXXIX—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 1st August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 109 nominated and elected members.

Oath or affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. H. J. Twynam, I.C.S.

Mr. A. G. R. Henderson, I.C.S.

Mr. H. P. V. Townend, I.C.S.

Mr. H. E. Stapleton.

Mr. R. Higgins.

Babu Siddeswar Chaudhuri.

Mr. W. H. Thompson.

Mr. H. H. Burn.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session :—

(1) Mr. B. C. Chatterjee, Bar.-at-Law.

(2) Khan Bahadur Maulvi Azizul Haque.

(3) Mr. W. H. Thompson.

(4) Mr. Syamaprosad Mookerjee, Bar.-at-Law.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Obituary reference.

Mr. PRESIDENT: Gentlemen, according to the established practice I have to refer to-day to the death of Srijut Sudarshan Chakravarty who was a member of this Council from 1924 to 1926. He died on the 3rd May last at his Rajshahi residence at the age of 65. The late member after a brilliant career in the Calcutta University, where he headed the list of successful scholars in all examinations, joined the Rajshahi Bar and within a very short time rose to eminence. He was the leader of the Bar and President of the Bar Association. He founded a high English school in the Rajshahi town called the Bholanath Academy. In his death we have lost a highly gifted lawyer of unblemished character.

With your leave, gentlemen, the sympathy of this House may be conveyed to the bereaved family.

I will now ask you to give your consent by rising in your places. [Pause.]

(All the members then rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen, the Secretary will take the necessary action.

STARRED QUESTIONS

(to which oral answers were given)

Fans and mosquito curtains for "C" class prisoners.

*1. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that hand fans, even when the offer of supply comes from outside, are not allowed in the hot season to "C" class prisoners convicted in connection with the civil disobedience movement in jails where they are detained?

(*b*) Is it also a fact that mosquito curtains are not allowed to the said prisoners under similar conditions?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes. This is not permissible under the existing rules of the Bengal Jail Code.

(*b*) No. Division III prisoners are allowed to receive mosquito nets from their relatives or friends.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether this applies to all prisoners or only to prisoners convicted in connection with the civil disobedience movement?

The Hon'ble Sir PROVASH CHUNDER MITTER: My impression is that this applies to all prisoners, but I should like to have notice of it.

Expenditure for civil disobedience prisoners.

*2. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the average daily expenditure incurred during the months of January to May, 1932, for the civil disobedience prisoners in "A," "B" and "C" classes; and

(*ii*) the daily expenditure per head of the "B" and "C" classes of such prisoners exclusively for diet purposes?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) There is no such classification as "civil disobedience prisoners" in the Jail Code and consequently no separate accounts of expenditure for such prisoners are maintained.

Dr. NARESH CHANDRA SEN GUPTA: Do I understand that the Government maintains no statistics from which it can be ascertained what has been the cost incurred by Government in suppressing the civil disobedience movement?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Local inquiries in civil courts.

***3. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that local inquiries in civil courts made by pleader commissioners are becoming increasingly costly?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of holding such inquiries ordinarily by court engineers and overseers appointed under the district judges, and charging such fees in each case as may be thought reasonable by the district judge?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement for the districts of Chittagong, Faridpur, Hooghly, Murshidabad and Rajshahi comparing the cost of such inquiries held by pleader commissioners during the last 5 years with the cost of inquiries held by civil court *amins* during a period of 5 years under the previous arrangements?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No.

(*b*) Does not arise.

(*c*) The information asked for is not available and cannot be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

Agricultural loans.

***4. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that money-lenders and *zamindars* are not in a position this year to advance fresh loans of money and paddy for the assistance of the poorer cultivators?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what arrangements the Government have made or propose to make to ameliorate the condition of the peasants by advancing loans on low rate of interest as was done on previous occasions?

(*c*) Will the Hon'ble Member be pleased to state what amount, if any, do the Government propose to advance throughout the province, district by district, this year?

(*d*) Do the Government propose to advance seeds this year also?

(*e*) If the answer to (*d*) is in the affirmative, what amount of seeds will be distributed district by district?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Government are aware that money-lenders and *zamindars* are generally unable to advance fresh loans.

(*b*) Agricultural loans will be given where it is necessary for the cultivation of land or relief of distress.

(*c*) A statement is laid on the table showing the amounts allotted this year to the districts for agricultural loans. The present budget provision for agricultural and land improvement loans is Rs. 6,50,000, but an extra grant will be asked for if necessary as was done in previous years.

(*d*) Yes, if necessary.

(*e*) There is no demand at present and the possible future demand cannot be estimated yet.

Statement referred to in the reply to clause (c) of starred question No. 4, showing allotments of land improvement and agricultural loans during 1932-33.

District.	Land improvement loans.	Agricultural loans.
		Rs.
Birbhum	Nil	1,500
Bakarganj	Nil	10,000
Murshidabad	Nil	1,000
Nadia	Nil	6,000
Mymensingh	Nil	5,000
Faridpur	Nil	40,000
Rajshahi	Nil	8,000
Rangpur	Nil	90,000
Pabna	Nil	50,000
Bogra	Nil	45,000
Dinajpur	Nil	15,000
Malda	Nil	8,000
Total	.. .. ..	2,79,500

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to the statement referred to in reply to clause (*c*), will the Hon'ble Member be pleased to state why no allotment has been made to the Dacca District Board?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice; but I can generally say that whenever a District Officer applies for an allotment we usually make it.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that the cultivators of the Noakhali district are badly in need of agricultural loans owing to the failure of the *aus* crop?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the member wants specific information I want notice.

Lady prisoners.

***5. Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that the non-official jail visitors, including the members of Legislative Council, are not allowed to visit and ascertain the grievances, if any, of lady political prisoners?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) Are the Government considering the desirability of so amending the rules that M.L.C. visitors may be allowed to visit and report to the proper authority about the conditions of lady political prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The Jail Department does not recognise the classification "political prisoners." Government have not so far received any complaint from any non-official visitor to the effect that he was not allowed to see female prisoners when he so desired. In certain jails lady visitors have been appointed to visit female prisoners.

(*b*) and (*c*) Do not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if male visitors are allowed to visit female prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe so.

Maulvi ABDUS SAMAD: Will the Hon'ble Member be surprised to know that I am myself the complainant and I was not allowed to visit female prisoners by the Superintendent on the ground that non-official visitors are not allowed to visit female prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the member will write to the Secretary of the Department, the matter will be inquired into.

Non-official visitors of jails.

*8. **Maulvi ABDUS SAMAD:** Will the Hon'ble Member in charge of the Political Department be pleased to state the reasons why the non-official visitors, including the M.L.C. visitors, are not allowed to visit, and ascertain the grievances, if any, of the détenus in an ordinary jail?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): Under section 11 of the Bengal Criminal Law Amendment Act, 1930, the Local Government appoints visitors for persons detained under that Act. Non-official visitors are appointed under the provisions of the Jail Code, and their duties extend only to ordinary prisoners.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if non-official visitors have been appointed to look after village interneés?

The Hon'ble Mr. R. N. REID: I ask for notice.

Hooghly District Jail buildings.

*7. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether he is aware of the dilapidated condition of some of the blocks of the Hooghly District Jail buildings?

(*b*) Are the Government considering the desirability of pulling them down and replacing them with new and up-to-date buildings?

(*c*) Is the Hon'ble Member aware that most of the rooms and cells are ill-ventilated and damp?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government propose to improve their sanitary condition by making them well-ventilated and damp-proof?

(*e*) Is the Hon'ble Member aware of the resolutions repeatedly passed by the Visiting Committee of the Jail about the unsatisfactory condition of the jail buildings?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*), (*b*), (*c*), (*d*) and (*e*) The Board of Visitors mentioned in their reports the unsuitability of the warder's quarters and a report about the condition of the buildings has been called for from the Public Works Department.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state when the report is expected to be received?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot say.

Expenses for conducting criminal cases.

*8. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that there has been an increase of criminal cases in recent years in the Criminal and Sessions Courts as well as of expenses for conducting the same?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of minimising such expenses by arranging to conduct such cases by Court Inspectors having legal qualifications permanently appointed for the purpose in each district?

The Hon'ble Mr. R. N. REID: (*a*) There was a decrease both of cases and of expenses in 1931 compared with the figures of 1929 and 1930.

(*b*) Does not arise.

District Judges' sheristadars, Alipore and Hooghly.

*9. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the posts of the District Judges' *sheristadars* are non-transferable?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) If the posts are transferable, will the Hon'ble Member be pleased to state for how long the District Judges' *sheristadars* at Alipore and Hooghly are holding their posts as such?

The Hon'ble Mr. R. N. REID: (*a*) No (but they are not ordinarily liable to transfer).

(*b*) Does not arise.

(*c*) Alipore—since 8th October, 1923; Hooghly—since 1st December, 1919.

UNSTARRED QUESTIONS

(answers to which were laid down on the table)

Use of religious articles by prisoners in jails.

1. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that a Hindu convict named Ramsundar Singh lodged in the Rajshahi Central Jail during the month of May last, was not allowed to use his *mala* and *tilak* throughout the day as also during his prayer time?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason why the use of *mala* and *tilak* was not allowed to him?

(*c*) Is the Hon'ble Member aware that this act of the jail authorities has created a feeling amongst the Hindus in general?

(*d*) Is the Hon'ble Member also aware that the said act was performed in contravention to the religious susceptibilities of the person concerned?

(*e*) Will the Hon'ble Member be pleased to state whether it is the intention of Government to follow such procedure towards the Hindu convicts in all jails in Bengal?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) The rules of the Jail Code do not ordinarily allow a prisoner to use *mala* or *tilak* but under rule 689(i), the Superintendent of a jail and the Inspector-General of Prisons have discretion to allow their use to a prisoner. The prisoner Ramsundar Singh was allowed to use *mala* and *tilak* while he was in Midnapore Central Jail but on his transfer to Rajshahi Central Jail this privilege was withdrawn because it was reported that he was inciting other prisoners to disobey jail rules. Even then he was allowed to touch the *mala* once a day at his request. Government have decided to allow the prisoner to have the use of those religious articles again provided he is prepared to cease infringing jail rules as he has at present by carrying on a partial hunger-strike.

(*c*) No.

(*d*) See answer to (*a*) and (*b*).

(*e*) The general question does not arise.

Complaints of process-servers.

2. Rai Bahadur KAMINI KUMAR DAS: Is the Hon'ble Member in charge of the Judicial Department aware of the several complaints of improper treatment by superior officers, brought recently to the notice of Government by the Bengal Process-servers' Central Association?

The Hon'ble Mr. R. N. REID: No representations regarding specific instances of improper treatment have been received since the memorial, dated the 19th November, 1931, which was dealt with in the manner explained on 1st February, 1932.

Pensions to inferior officers including process-servers.

3. Rai Bahadur KAMINI KUMAR DAS: Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government are going to sanction the necessary sum to give effect to the scheme approved by the Government granting pensions to the inferior officers including the process-servers, as admitted by the Secretary to the Government of Bengal, Judicial Department, in his speech in this House on the 29th July, 1931?

The Hon'ble Mr. R. N. REID: As was explained in the speech of the Judicial Secretary on the 29th July, 1931, the introduction of the revised rules for pensions has been delayed owing to financial stringency. This consideration still operates to prevent their introduction.

Pensions to process-servers.

4. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a scheme for revising the rules for granting pensions to the process-servers (along with others of the inferior service) has of late been sanctioned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the scheme will be given effect to?

The Hon'ble Mr. R. N. REID: (*a*) Yes; a scheme has already received administrative approval.

(*b*) As soon as financial conditions permit.

Extension of the Chittagong-Dohazari Railway to Satkania in the Akyab line.

5. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Chittagong-Dohazari Railway is to be extended to Satkania in the Akyab line?

(*b*) If so, when?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) An estimate for extending the Chittagong-Dohazari Railway to Satkania was prepared by the Assam-Bengal Railway authorities and submitted to the Railway Board who decided that it could not be considered during 1932-33 owing to financial stringency.

(*b*) It will be considered along with other projects when the financial position improves.

Ross theory of malaria and inoculation of cholera.

6. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) how did the Ross theory of malaria and inoculation of cholera come to be adopted by the Government of Bengal;

(*ii*) whether any experiments were made before its adoption; if so, at what cost?

(*b*) Will the Hon'ble Minister be pleased to state whether anybody challenged and showed the futility of the theory within recent years?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who is he; and

(*ii*) what are his grounds?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*) The Ross theory of malaria and the practice of inoculation for cholera were adopted by the Government of Bengal on the basis of scientific advice, confirmed by results not only in Bengal but in other countries where malaria or cholera is prevalent.

(*ii*) Experiments and trials were made in foreign countries before its adoption by the Government of Bengal, at no cost to that Government.

(*b*) The Ross theory of malaria has not been challenged by any reputable scientific worker during recent years so far as the Government of Bengal are aware.

(*c*) (*i*) (*ii*) The questions do not arise.

Statement laid on the Library Table as promised in the reply to clauses (a) and (b) of starred question No. 191 put by Rai Bahadur Satyendra Kumar Das on the 31st March, 1932.

Proceedings of the Court of Inquiry into the circumstances attending the Meghna-Mikir collision in the Buriganga river on the 17th January, 1932.

Separation of the Council Department from that of Legislative Department.

Mr. PRESIDENT: Gentlemen of the Council, it may be in your recollection that on various occasions members of this House pressed me for informations in regard to the questions of the separation of the Council Department and that on all such occasions I had unfortunately to give the same stereotyped reply that my lips were sealed. To me, this day will, therefore, be memorable, as I am now in a position to break the news which you have been so long anxiously awaiting. It is my privilege to be the carrier of that news as, I am sure, it will mark a new era in the history of this Council and synchronize with a distinct advance in its constitutional evolution. I have no doubt that it will leave behind it an imperishable landmark at which our successors will gaze with inward satisfaction. The news is this: The Government of Bengal has finally decided to completely separate, in the immediate future, the Council Department from the Legislative Department. For all practical purposes the Council Department will be autonomous and self-contained, and that it will be under the authority of the President. In consideration of the prevailing economic distress it has been agreed to retain the services of some Secretariat reporters for reporting the Council Proceedings under the direction and control of the Council Department but we shall have two whole-time reporters permanently transferred to the Council Department. We are bound to accept compromises, of course, without impairing any principle, to relieve the Provincial Exchequer as far as we can so long as the present financial crisis lasts. You will soon be able to realise with what genuine sympathy and fairness the present Finance Member, the Hon'ble Mr. Woodhead, has treated the question of separation. Let us also thankfully recall to our mind the outstanding fact that it was the Right Hon'ble Sir Stanley Jackson who led the Government of Bengal to accept the principle of separation. Unfortunately a dead-lock followed that acceptance. If you want me to point out the authority who has made the separation a reality and an independent living force, I must ask you to gratefully turn your eyes to the just and forceful personality of His Excellency Sir John Anderson, the present Governor of Bengal.

I am profoundly grateful to God for being able to see, during my term of office, the fruition of a proposal which this House have so long cherished.

I will now invite my Hon'ble friend, the Leader of the House, who in his capacity as the Member in charge of the Legislative Department had naturally to play a distinct part in regard to the question of separation, to make the necessary announcement on behalf of the Government.

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): Sir, I have great pleasure in placing before this House the announcement referred to by you. Members of this House will recall that the Committee appointed to consider the question of the separation of the office of the Bengal Legislative Council from that of the Bengal Legislative Department, although they hesitated for financial reasons to recommend that immediate steps be taken in the matter, recorded the conclusion that there is a strong sentiment in favour of the separation of the Council establishment from that of the Legislative Department and that separation is desirable. They also desired that Government should ascertain from the Hon'ble President his views on the matter. The views of the Hon'ble President have been obtained and Government, in accordance with what they believe to be the wish of the Council, have decided to constitute a separate Legislative Council Department. The main details of the scheme, which have been accepted by the Hon'ble President, are the creation of two new posts of Secretary and Assistant Secretary to the Legislative Council, the abolition of one post of Registrar in the Legislative Department, the division of the existing ministerial staff of the combined department between the Council Department and the Legislative Department, and the transfer of two of the present Council Reporters permanently to the Council Department. The additional expenditure involved is approximately Rs. 7,000 in the first complete year—1933-34—rising to an ultimate figure of about Rs. 15,000. The Council will be asked at an early date during the present session to vote a token grant authorising the expenditure involved. Separation will be effected as soon as possible after the grant has been voted by the Council.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of general public interest).

Postponement of the cadastral survey and settlement operations in Rangpur.

Kazi EMDADUL HOQUE: I beg to move that this Council recommends to the Government that the cadastral survey and settlement operations in the district of Rangpur be postponed for the next seven years or till the normal condition in trade and commerce is regained, whichever is later.

The object which moves me to bring this motion before the House is to procure some respite for the people of Rangpur to break away the demoralising effect which these operations have brought on the district. Everybody in this Council may well imagine how much strain and how much trouble these poor people have had to endure in the face of what they have experienced by way of loss of crops for successive years, unusual flood and earthquake of dangerous character. Everybody wants that his rights be determined by these settlement and survey operations, but with all their wishes they are not in a position to have their rights determined because everything depends upon money and money cannot be found, the people of Rangpur being pecuniarily embarrassed on account of the visitations referred to above by me. The *zamindars*, the *jotedars* and the ordinary cultivators have come to the same level. Every one is in want. The *zamindaries* in Rangpur are being put up for sale, the *jotes* are being put up for sale, and the holdings of ordinary *raiyats* are also being put up for sale, because neither the *zamindars* are in a position to pay their revenues nor are the *jotedars* or ordinary tenants in a position to pay their rents. That is the condition, that is the plight under which the people of Rangpur are now in. Well, when they cannot afford to pay their revenue and rents, is it time, the opportune time, for them to have their rights determined? Surely not. The *zamindars* have to employ *amins* for the determination of their rights, but the *amins* will not work gratis and money has to be found for them. Then come the tenure-holders. Surely the tenure-holders of Rangpur are the most unfortunate creatures on earth. Some of the tenure-holders have been holding their tenure since time immemorial, but yet their rights are not recognised. They have got no footing, no stake in the land, they are not recognised as tenants under the Bengal Tenancy Act and are absolutely at the mercy of their proprietors.

3-30 p.m.

Oh! they are deemed precarious tenure-holders without having any right in their land, but the *raiyats* under these precarious tenure-holders may acquire an indefensible right which no power on earth can contend or resist. Thus the superior tenants in the district of Rangpur have inferior rights and the inferior tenants have superior rights. What a figment of legal fiction it is! In fact the position of the tenure-holders in Rangpur is unthinkable and unimaginable. It is anomalous and the anomaly cannot be perpetuated but must be removed forthwith. Thus it is in the interests of the tenure-holders that these operations should go on, but for want of money they cannot procure the services of *amins* whom they are bound to employ as they will have to fight their rights in civil courts if they do not get any remedy from the settlement authorities. Settlement officers want to be satisfied of their rights by documents of their title, but these unfortunate tenure-holders of Rangpur do not possess

any title deeds but those in which they are given no rights whatsoever. Some of them, as I have said, have been holding their lands from time immemorial; but nevertheless they were forced to execute some *kabuliyats* in favour of their proprietors in which they said that they had no right to their holdings. These tenure-holders are therefore the most hapless creatures, and it is a misfortune that they cannot take advantage of the settlement operations, because they cannot find money at present.

The conditions of the ordinary *raiyats* are in some respects much more miserable than those of the tenure-holders. The ordinary cultivators are passing through a phase which cannot even be imagined—consecutive failure of crops for the last three years has left them without any resources. Besides, the majority of the cultivators in Rangpur—nay 99 per cent.—are illiterate and they cannot put their cases themselves. They do not know what their rights are; they do not know what sort of rights they have acquired by continuous use of their holdings for 12 years or upwards. They must, therefore, necessarily have to take the help of some literate people, but no literate man will come forward to help them gratis. So, from whatever point we look at this question we find that all classes of people from top to bottom are now not in a position to afford to have their rights ascertained by settlement operations in these hard days. My idea is that three bad years are generally followed by three good years. If the people of Rangpur are so fortunate as to have three good years next, then ordinarily they would require another three years, that is to say, altogether 6 years to stand upon their own legs with difficulty and making an allowance of one year more, *i.e.*, after seven years, I expect that the people of Rangpur, whatever may be their sufferings at present, would be in a position to bear the cost of settlement operations. But even if after seven years they are not in a position to bear the cost of the settlement operations, then I think they should be given a chance to have their rights examined by the survey and settlement operations when the normal condition of trade and commerce is regained. This is the modest prayer that has been couched in my resolution, and I hope the Hon'ble Member will kindly consider this and accept my resolution in its entirety or in such other modified form as he thinks fit.

Maulvi NUR RAHMAN KHAN EUSUFJI: Mr. President, Sir, I rise to give my support to the motion just moved by my friend Maulvi Kazi Emdadul Hoque. I think, it is well known to Government that like many other districts of Bengal, Rangpur has suffered much from scarcity, failure of crops and similar other visitations of nature. My friend wants Government to wait for a period of seven years for the purpose of undertaking the settlement operations in the district of Rangpur. I think, his demand is quite justified in the fitness of things

and that having regard to the lamentable condition to which the district of Rangpur has been subjected for the last three years or so, the demand is quite moderate. I do not know why Government should at all be anxious to have the settlement operations in the district of Rangpur completed when we find that when money is wanted for the purposes of improvement of our country, Government plead poverty and say they have got no money in their coffers. My friend's resolution is to the effect that Government should wait for a period of seven years or so. He has given the House a detailed account of what has happened in the district of Rangpur. Only a few minutes ago in answer to a question the Hon'ble Sir P. C. Mitter said that Rs. 90,000 had been allotted for famine relief and agricultural loans to the district of Rangpur. It is, therefore, quite clear that the said district is suffering much from economic distress. It would, therefore, be quite prudent on the part of Government under the prevailing circumstances of the district to wait for a period of seven years as requested in the resolution. With these few words I beg to support the resolution.

Mr. J. N. GUPTA: I also very strongly support the resolution moved by Kazi Emdadul Hoque: I was for a considerable period of time the District Officer of Rangpur and quite recently I had occasion to visit the district in connection with the recent flood. On that occasion I had an opportunity of visiting the various parts of the district and I must confess, I was painfully surprised at the great change in the economic aspect of the district which met my eyes. I, therefore, think that it will be an act of fairness if the settlement operations were postponed—I would not say by seven years—but by three years. In this connection, incidentally I would like to mention that in the United Provinces which is a *raiyatwari* province where, therefore, necessarily settlement operations are far more important than in a permanently-settled area like Bengal, all settlement operations are being postponed, for the evident reason that we are in the middle of an economic crisis of great magnitude. I, therefore, support the resolution moved by Kazi Emdadul Hoque.

3-45 p.m.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, in moving this resolution the Kazi Sahib has first of all dealt with the general economic depression now unfortunately prevailing throughout the province. We are all painfully aware—whether we are members on the Government benches or members opposite—of the unfortunate economic depression in the province, and because we are all aware of that fact we have slowed down settlement operations and record-of-right operations as far as possible. I would remind the House that we have already deviated from our

programme and slowed down operations where they were in progress. We have stopped the settlement operations in the districts of Howrah and Dinajpur. Even in the very district of Rangpur the position is this. For settlement purposes, this district is divided into four blocks—A, B, C and D. The present settlement operations are going on in A and B: we have not started any settlement operations in C and D. Well, my honourable friend Mr. J. N. Gupta referred to floods in Rangpur and Mr. Eusufji has also referred to the fact that Government has advanced Rs. 90,000 in the district of Rangpur for agricultural loans on account of distress caused by floods. Now, I may inform the House that we have issued instructions not to have settlement operations in places which are affected by floods. Barring, perhaps, very small portions of blocks A and B, no portion is affected by floods. The fact that we are mindful of the situation has been brought to the notice of the House by Mr. Eusufji when he reminded the House that we advanced money in the shape of agricultural loans in the district of Rangpur. That sum of money has been advanced for areas which suffered from special difficulties —the difficulties of flood, and I hope that the advance of Rs. 90,000 will ultimately bring nine lakhs to those areas, but we are not concerned with those areas now. With regard to blocks A and B, where settlement operations have already been started and expenditure incurred, if we are to accept the recommendation of the mover, let us for a moment examine what will be the position. We have already spent in that area a sum of over Rs. 4 lakhs. The members of this House are aware that whatever we spend on settlement operations, three-fourths are realised from landlords and tenants. Now, if we stop the settlement operations in A and B, the whole of the money we have spent there will be wasted and later on when settlement operations are again started, three-fourths of that four lakhs will have to be found by landlords and tenants. Therefore, instead of being an act of kindness to the landlords and tenants, it will perhaps be anything but an act of kindness, because we will have to realise very much more than what we will do now.

Now, with regard to C and D the question is still under consideration, and I can assure the House that we are examining the position with regard to these two blocks, and if the situation so demands, we shall not carry on settlement operations in C and D. On the other hand, if the situation be such that it is considered desirable and necessary to carry on the operations, we propose to do so in C and D as well. We are now concerned with the resolution as it stands, and if it is accepted, it will mean the stopping of settlement operations throughout the district and that will bring serious loss to landlords and tenants. Now, my friend Mr. J. N. Gupta, whose opinion carries great weight, particularly in regard to the district of Rangpur where he has done so much good work as a popular District Officer, has referred to the floods, but if my friend had inquired into the matter he would have found that flood-stricken areas

are not within blocks A and B. If Mr. Gupta had made inquiries either from the Revenue Department or from the Director of Land Records' office, he would have found that the portions where there has been distress on account of floods are not the portions with which blocks A and B are concerned.

Now, Sir, there is another aspect which we must not overlook. I thought that Mr. Eusufji and the Kazi Sahib were representing the tenants. Well, Sir, for years past the District Officers and Divisional Commissioners and others who are friends of the tenants have been pressing on Government to take up survey and settlement operations in the district of Rangpur which they thought were long overdue. They have been equally pressing for taking up survey and settlement operations in Dinajpur. My friend Mr. Gupta knows very well how beneficial it is to the tenants to have their rights ascertained and from that aspect particularly in a year when there is a general economic depression in the province, is it not right that the rights of the tenants should be ascertained so that every protection may be given to the tenants from the tenure-holders and *zamindars*? We all know that during the time when there is economic depression everybody is anxious to get whatever he can and those who have got power may try to squeeze more out of the tenants than they would in ordinary times. But these two blocks A and B have nothing special apart from the position throughout Bengal. If you stop further settlement operations in other places over and above Dinajpur and Howrah where these operations have already been stopped, it will mean the dismemberment of the survey and settlement department, the activities of which, I dare say, it will be admitted by many, are of great importance for the protection of the rights of the tenants. I also venture to submit that those landlords who take a wider view of things, who want to live in peace and amity with their tenants, should be equally desirous of getting the rights of tenants verified so that they may know where they stand. Now, from the point of view of landlords, would they like to bear their share of the expenditure of Rs. 4 to 5 lakhs without getting a *quid pro quo* in the shape of proceedings under section 105 of the Bengal Tenancy Act? From the point of view of the tenants, assuming that their economic condition is bad, will it be right to penalise them to the extent of Rs. 2 lakhs or whatever it may be, without giving them a *quid pro quo* in the shape of record-of-rights? Those who take a dispassionate view of things can come to one and one conclusion alone and that is that so far as blocks A and B are concerned, we should carry on the programme of settlement and record-of-rights operations. From the observations of the mover of this resolution, the Kazi Sahib—of course I speak subject to correction—I thought he was pleading more on behalf of the tenure-holders than of the agricultural *raiyats*. Although he brought in in his speech the *zamindars* and tenants, it seemed to me that his chief concern was for the tenure-holders. He further stated that the tenure-holders

were suffering and that they were being asked to give up certain of their rights which they were enjoying from time immemorial. Now, are not the settlement operations the best way to secure the interest of the tenure-holders by having a record of their rights? Otherwise they will have to go to the courts—not one court but in the first court, then in the second court and finally in the second appellate court, and any number of them will have to take their cases to civil courts.

Well, the Kazi Sahib has given a reason as to why the postponement should be for seven years. He stated that his experience shows that three bad years are generally succeeded by three good years and, therefore, if there be postponement for seven years then he hopes that good time will come. I hope the Kazi Sahib was serious, for if three bad years were succeeded by three good years then three good years will be succeeded by three bad years; so according to his logic we are soon going to have three good years. Now, may I remind the Kazi Sahib even with regard to block A we have made considerable progress in the settlement operations and I can assure the House that there is no question of realisation of money before 1934-35—it may be even later. Therefore, even according to Kazi Sahib's calculations, if he is serious, the question of realisation with regard to A block will come in a good year, whereas if there is postponement, it will come in a bad year. With regard to B block, the question of realisation will come later—perhaps in 1935-36. If on the other hand the proceedings are stopped immediately, then it will mean immediate expense to the landlords and tenants. I would ask the Kazi Sahib to inquire of representatives from those districts where there have been settlement operations—I would ask him to inquire of the representatives of Burdwan and other places—whether, so far as it is compatible with our duty to the public exchequer, we did not slow down or even stop realisations. Realisations are more promptly made from those who are able to pay, and to those who are not able to pay we give some time, although we ultimately realise the money as we have got to realise it. Therefore the question of realisation will not come in now. It will come in at a later date and I can assure the House that if at the time of realisation proper case in made out for postponement of realisation, we shall certainly consider it; but it is not right to give a definite promise in advance. In the meantime, we have been considering other districts where justice demanded that the realisation should be postponed or slowed down.

For all these reasons, Sir, I submit that it will be cruel kindness to accept Kazi Sahib's resolution, and I hope that after the explanation I have given to the Council and to the hon'ble mover, the Kazi Sahib will withdraw his resolution. If he does not, then in the very interest of the tenants whom he professes to represent I would oppose the resolution.

4 p.m.

Kazi EMDADUL HOQUE: In view of the fact that the Hon'ble Member has made a very good compromise with me by leaving aside two blocks——

Mr. PRESIDENT: Do I understand that you want to withdraw your resolution?

Kazi EMDADUL HOQUE: Yes, in view of the assurance given by the Hon'ble Member.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no objection to his withdrawing his resolution, but I must say that I have not given a definite promise not to take up the C or D blocks. I have said "we may not," but, equally, we may, and I stand by everything that I have said.

The motion of Kazi Emdadul Hoque was then, by leave of the Council, withdrawn.

The following resolution was called, but not moved, and therefore deemed to have been withdrawn:—

Rai Bahadur KESHAB CHANDRA BANERJI: "This Council recommends to the Government that the operation of the Bengal Primary Education Act, 1930, be postponed till 1933, or until there is an improvement in the economic situation of the country."

Prayer lands in Court compounds.

Maulvi TAMIZUDDIN KHAN: I beg to move that this Council recommends to the Government to make a grant of about 7 *cottahs* of land in the vicinity of the court houses at Faridpur to the Anjuman-i-Islamia, Faridpur, on such terms as the Government consider proper, for the construction of a mosque for affording facilities to Muslim litigants, pleaders, mukhtears and officers to perform their compulsory daily prayers, and also to make similar grants in other districts in accordance with local necessity and demand.

Sir, this is more or less a local question and I think the only justification for bringing this resolution in this House is that the Mussalmans at Faridpur and at some other places have been labouring under very great disadvantages for want of suitable places to perform their daily prayers while they attend courts and other offices at their district headquarters. Everybody knows that, according to the strict injunctions of the Islamic

religion, every Mussalman is required to say his prayers five times a day, and in practice also most of them do so. They have to attend law courts and offices from 11 a.m. to 5 p.m. generally; and during those hours they have to say two such compulsory prayers known as *Zohor* and *Asar* prayers, which they can on no account dispense with. So they must find out some place where to say their prayers. I know from my personal experience that in many districts there are mosques near about the court houses and the Mussalmans, who want to say their prayers, can very easily resort to them and perform their prayers. But Faridpur is a place where there is no such mosque. There is this peculiarity there that in this district town no private land is available near about the court houses where Mussalmans can build a mosque to perform their prayers. Had there been any such place available, the Mussalmans would never have approached Government for grant of a plot of land. No private land being available, the only alternative for the Mussalmans of Faridpur is to fall back upon the generosity of Government to grant them the necessary land. I want to make it clear that this is not a demand for a suitable place within the court compound. They only want a place conveniently near the court houses so that they can leave their work in the courts and go to a mosque and come back within a reasonably short period of time without any harm to their business in the courts. Therefore, Sir, I do not think Government can have any reasonable objection to the grant of a prayer like this. I remember that in the past there was some opposition on the part of Government to a demand like this, and the reason for this opposition was that, if such a prayer was granted to the Moslem community, other communities would ask for similar privileges and it would be a very difficult situation for the Government. But I do not think there is any reason for any other community asking for a grant of land for the performance of their religious rites and practices, because no other community is required obligatorily to say prayers or perform any worship during court hours. Simply because the Government grants some privileges to Mussalmans, that is no reason why other communities should come forward with similar demands. I also appeal to my Hindu brethren, because after all the ultimate appeal must be to those who are more capable of realising our difficulties than people who perhaps do not know our conditions. I think no Hindu member in this House will advance the argument that if a piece of land be granted at Faridpur to the Muhammadan community for building a prayer house, a similar piece of land must also be granted to the Hindus and other communities. No such preposterous demand, I am sure, will ever come from any of the Hindu members of this House. I therefore commend this resolution to the acceptance of Government and I hope it will meet with no opposition in the House.

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

Haji BADI AHMED CHOWDHURY spoke in Bengali, the English translation of which is as follows:—

"Sir, I support entirely the motion of Maulvi Tamizuddin Khan.

It is binding on all Moslems to perform *namaz* at 1 p.m. and 4 p.m., every day. At these prescribed hours all Muhammadan Government servants, lawyers and the litigant public who attend Courts have to say their *namaz*. But the arrangements made for the purpose leave much to be desired. At Chittagong there are only two rooms set apart for Muhammadan prayer on a high peak of the Kachari Pahar. Here the accommodation is too small to provide room for all the Muhammadans assembled for the prayer—especially is this the case on every Friday when they have to observe the *Jumma namaz*. Consequently, those who do not find accommodation in the rooms have to say their *namaz* outside, exposed to the scorching heat of the mid-day sun and rains during the rainy season. This also causes the aged a good deal of hardship and sometimes much expense to go up and down a long flight of steps to reach the prayer rooms at the top of the hill.

Under these circumstances and considering the fact that no members of any community other than the Muhammadan have to say prayers during the office hours, it is only meet and proper that Government should make a free gift of a plot of land on the Kachari Pahar where loyal Muhammadans of Chittagong are prepared to build a Muhammadan prayer hall under the instructions of the Government.

It also behoves our benign Government either to build Muhammadan prayer halls close to the courts in the *mufassal* districts and subdivisions where they do not already exist or to make a free gift of any plot of land adjoining the *mufassal* courts for which an application has been made either by any devout Muhammadan gentleman or any Anjuman or Islamic mission or Islamic association.

I whole-heartedly support, therefore, this motion."

Maulvi NUR RAHMAN KHAN EUSUFJI: Mr. President, Sir, the demand just brought in before the House by my friend, Maulvi Tamizuddin Khan, is an extremely moderate one,—that about 7 *cottahs* of land be granted in the vicinity of the court houses at Faridpur to the Anjuman-i-Islamia for the performance of a most obligatory, indispensable and absolute necessity of the Muhammadan life. According to Islam, just as air is a necessity for the life of a human being, *namaz* is a thing without which a Moslem cannot live spiritually. There are several injunctions in the Holy Koran, the performance of which is of an obligatory nature. I am told by my friend, Maulvi Tamizuddin Khan, that at Faridpur there being no mosque or prayer-house for the performance of prayers by Moslems, they have to undergo untold

difficulties to say their daily *namaz*. During the court hours, Muhammadans have got to say their prayers in the dry season under the burning rays of the sun and in the rainy season under the torrential downpours of rain. *Namaz* is a thing from which no Muhammadan can be excused on any ground whatsoever, so long as he is living and there is consciousness in him. Because 7 *cottahs* of land are demanded for building a mosque at Faridpur, there is no reason to apprehend why such demands should also be forthcoming from all the other districts of Bengal. Sir, the Muhammadans are always a reasonable people, and only in those places where there are dire wants of such mosques, demands may be made for the purpose. In the majority of districts and the majority of places in Bengal, I think, there is no necessity for asking for such a grant. If I remember aright, motions to this effect have been tabled by my learned friend for the last three years, but unfortunately, none of them could come up before this House except the present one

4-30 p.m.

Sir, as has been said by the mover of the resolution, I think our Hindu friends, not only Hindu friends but friends of other communities, would also accord their whole-hearted support to the resolution, because, if they support this resolution which is based on essential and fundamental religious grounds, we would also support and most gladly support similar demands coming from them. With these few words I accord my whole-hearted support to the resolution.

Nawabzada KHWAJA MUHAMMAD AFZAL, Khan Bahadur: Sir, I beg to give my whole-hearted support to the resolution which has been so ably moved by my learned colleague

Rai Sahib AKSHOY KUMAR SEN: Mr. President, Sir, as regards the resolution of my friend, Maulvi Tamizuddin Khan, I do not say that it is not right. I know that the Mussalman public have some difficulty during the rains as also during the summer season having no suitable place for saying their prayers. I whole-heartedly support this resolution, but being a representative of the Hindu community of Faridpur, I must say that my friend the mover and some of my friends on that side of the House made some mistake in saying that the other communities, including the Hindus, do not require a place for worship during day time during court hours. Every student of *Smriti* must know that the Hindus have to say their prayers during mid-day—they have to perform *Trisandhya—i.e.*, in the morning, mid-day and in the evening, because no suitable arrangements can be made near the court buildings, those Hindus who have mostly to attend courts during the day have to say their mid-day prayers in the evening and they have to pay some penalty for this delay. However, I whole-heartedly support

this resolution of my friend that the Mussalmans should be given some land near the court building for the purpose of erecting a mosque where they can say their prayers. I think my friend, the mover, and other Muhammadan members of this Council would not object if I say—I do not mean to put any obstacles in the way of their getting a place for constructing a mosque—on behalf of the Hindu community that if three *cottahs* of land be given to the Hindus side by side to the mosque a temple or something like that might be erected for the Hindus. I do not want that there should be a *thakur*————

Mr. NARENDRA KUMAR BASU: What about music?

Rai Sahib AKSHOY KUMAR SEN: Yes, there may be some difficulty, but I think the Hindus can do without music. There need not be any *thakurghar* but only a room with *kosha kusha* and some water. My submission to this Council is that the Hindus may be given a few *cottahs* of land, say three *cottahs*, for the purpose of constructing a suitable *pucca* room where Hindus can say their prayers side by side and in perfect amity with the Mussalman friends.

Maulvi ABUL KASEM: Sir, while I support the motion of my friend, Maulvi Tamizuddin Khan, I have risen simply to express my regret for the occasion that this motion had to be brought before this House. It shows the want of sympathy—I would go further and say antipathy—of the Collector of Faridpur and other local officers in not settling the matter with my friends of the Faridpur Bar Association. This is a matter for which an expression of opinion from this House is not required, as it could have been settled by the local officers. So far as I know, in Burdwan and Hooghly where the number of Muhammadans is much smaller than in Faridpur, there are mosques built on Government land and not only on Government land but in many cases on land free of rent, and it seems strange to find that in Faridpur, which is predominantly a Muhammadan district, there should be the want of a mosque in the court compound and the necessity of bringing this matter here for an expression of opinion.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I am in full sympathy with the mover of the resolution in his desire to give facilities to the Mussalman litigants in the matter of saying their prayers; but, Sir, I think he is not well advised in bringing up this matter here, because by doing so, he has given it the importance that it does not deserve, and it is likely to lead to a certain amount of controversy. Naturally, when the Mussalmans demand seven *cottahs* of land for a house of prayer, the Hindus of the locality will feel that they have been neglected if Government do not similarly give them another plot of seven

cottahs of land for a temple. As a matter of fact it will be a matter of grievance to the Hindu community that they are not able to erect a temple when the Mussalmans erect a mosque for saying their prayers. Then what will happen: in every place where there will be a place of worship for the Mussalmans there will be side by side a temple for the Hindus. Well, perhaps, it is not compulsory for the Hindus to offer prayers in all hours of the days. Then, there may be some litigants who might like to say their prayers in order to help them in getting a favourable decision on their case. I am only pointing out the amount of friction and unpleasantness that this matter will lead to. The natural course is, instead of raising this matter in this Council, to ask the local authorities to help a particular community in the matter of facilities for worship and when there is no such communal feeling, I think it will be naturally granted.

Reverend B. A. NAG: Sir, I did not want to speak on this subject for I did not want to appear in any way unsympathetic to my Muhammadan friends, but, Sir, I belong to that section of the Christian community which detests asking Government for any gift for the performance of personal religious duties. I do not understand why our Muhammadan friends should not follow that principle. To buy seven *cottahs* of land in Faridpur, I am sure my friend, Mr. Tamizuddin Khan, could take the responsibility, and that would solve the communal question and the religious question as well. Let those who want to perform their religious duty pay for it and then religion will become dearer to them than by getting land from Government. I say this on that principle alone. Let us not approach Government for anything for the performance of our religious duty. I belong to a community which has consistently refused to do that and I would beseech my Muhammadan friends to do the same.

Maulvi TAMIZUDDIN KHAN: Sir, we are prepared to pay for the land provided there is private land available.

Dr. NARESH CHANDRA SEN GUPTA: Sir, it was not my purpose to take part in this debate, and it was further from my mind than that I should oppose my friend, Maulvi Tamizuddin Khan, in his desire to get a piece of land for the purpose of saying prayers. But my friend, Maulvi Abul Kasem, has raised a matter which I think requires an answer. He has assumed that a difficulty has been created by the local officers to the acquisition of a plot of land for a prayer house there. If that is so, then my friend has every justification for coming to this Council and asking for its support in a matter like this. But oddly enough Mr. Kasem waxed eloquent on the indifference of the local officers. The mover of the resolution has, however, been discreetly

silent upon that. The point that I would make is that the time of this Council ought not to be spent upon questions of purely local importance unless it is found that the local authorities who could deal adequately with the question had been approached and there had been a difficulty created by them by reason of which the vote of the Council is sought in support of a local proposal. That is the proposition which I am almost forced to put forward before this House for the reason that too often we have found that very very important questions, questions which are troubling the minds of most of the members, have had to be pushed away in order to give place to purely local questions of trivial importance: too often we have found that important and vital questions have been shifted like that. Therefore I insist that it ought to be the principle that we must act upon—that we must not bring forward for the consideration of this Council local questions unless we can make out that the local officers have been approached in the matter and have not dealt with it in the way they ought to have done. In this question the local authorities ought not to make any difficulty. Having regard to the very reasonable proposal made by Mr. Tamizuddin Khan, he does not want Government to contribute any funds, he is perhaps willing to pay for the land if land is available there, there is no reason why the local authorities should not provide the necessary conveniences for the litigants and lawyers there. We have got to see whether the local officers have refused to act before matters like this are brought before this House.

4-45 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, like my friend Dr. Naresh Chandra Sen Gupta, I was not at first tempted to take part in this debate, but there is one aspect of the question which I think requires a few words from everybody who takes a reasonable view of the matter. If Bengal has come to such a pass in which, because the Moslems demand a few *cottahs* of land for saying their congregational prayer, the situation is such that the Hindus must make a counter-balancing demand, then, I think, we must frankly say that there is no bright future in this province. I did not expect that my friend Mr. Shanti Shekhareswar Ray would say that he believed that because there was a demand for a little piece of land from the Moslems in a particular district in Bengal, therefore there would be a similar communal demand from the Hindus. I think, Sir, that one particular aspect of the question has been forgotten by him, and that is that there is a fundamental difference between the form of worship in these religions. The Moslem form of worship is more or less a congregational form, whereas, if I mistake not, the Hindu religion takes a personal form of worship as the real form. And that being the case, because the people who want to meet in congregation, want a certain convenient

place because there is no other place suitable in the locality, therefore every community shall require a similar plot of land for their purposes. I am afraid it is not dealing with the question on its merits, but bringing in matters which will make work in this country for the benefit of the people more difficult.

There is another question to which Mr. Nag has referred. I think Mr. Nag is a Christian, but I do not know to which section of Christianity he belongs. (REVEREND MR. NAG: I am a Baptist.) But I think if he would study the budget, he would find provided in the Ecclesiastical Department, a very large sum for——— —

Reverend B. A. NAG: I condemn that strongly—we, as a community.

Khan Bahadur Maulvi AZIZUL HAQUE: I am neither condemning my friend Mr. Nag nor the Government, but situated as we are, we feel that once the Government assumes responsibility for providing for religious worship for one community, that it is only reasonable that a demand of this nature, that Maulvi Tamizuddin Khan has made to purchase at a place where private land is not available, a suitable site for Moslem worship, should receive sympathetic consideration. I take it that if Mr. Tamizuddin had this much of commonsense that had he been able to secure land through the local officers, he would not have come to waste his time and the time of the Council, even though the Council has the reputation of bringing such trivial matters as that relating to the Bansberia Library, Uluberia Subdivisional Officer's quarters, and the like. I take it that he had applied and if I mistake not, had obtained the recommendation of the local officers, and got their recommendation some time back, but it was turned down by the people at the top. In any case, this is a matter which I think should be discussed on its merits without bringing in any extraneous matter.

Mr. J. N. GUPTA: Might I draw the attention of the mover of this resolution to the last part of his resolution where he says "and also to make similar grants in other districts in accordance with local necessity and demand," and may I also draw attention to resolution No. 47 where a similar prayer is made on behalf of the people of Chittagong? I find that it is necessary for me to draw the attention of the mover to these points, only because it has been said that the fact of land being given in Faridpur in special circumstances, will not be made a ground for making similar requests in other districts. If this resolution is carried, there will be very good grounds for making similar requests, and as I have said, there is already another resolution in our agenda with a similar request. (MR. NARENDRA KUMAR BASU: There is also No. 9.)

Then as regards what Mr. Naresh Chandra Sen Gupta has said, I would like to point out that it is not so easy a matter for the District Officer to grant Government land; as a matter of fact it does not lie in his province at all. He must come up to Government, and even to make a recommendation of this nature he must first consider all the issues that have just been brought up in this House by the representatives of the different communities. This is a matter which must be managed by individuals in their private capacity. They may, however, expect Government and Government officers to help them to acquire land for this purpose, and I cannot say offhand whether under the provisions of the Land Acquisition Act, it will be possible to do so. If there is no difficulty, Government officers will no doubt give every help and sympathy in providing facilities for acquiring this land, after all, seven *cottahs* is not a very large piece of land. But we must also consider the difficulties of erecting a public prayer house in the middle of a court compound. What will happen if a few Hindus happen to pass by beating tomtoms, or anything of that kind; there is sure to be a riot within the court compound. The mover is himself a Government pleader and he is sure to see that it is impossible to have a religious structure like a mosque right in the middle of the court compound. We have occasionally found considerable difficulty in these matters. Therefore I agree with my friend Mr. Nag that this is a matter in which the members of the community must join hands and with the assistance of Government, if private land is not obtainable, seek the services of the Collector for acquiring some land under the Land Acquisition Act.

Mr. L. R. FAWCUS: When I was asked to reply to this resolution I found a certain amount of difficulty at first in ascertaining from the form of the resolution whether the mover referred to land within the ambit of the court compound or to land in the vicinity but without the court compound. It is now perfectly clear from his speech that he is referring to land outside the court compound; and as a considerable portion of that land is not within the control of the Public Works Department, the department which I represent at present, I think the best thing I can do in replying to his resolution is to draw his attention to a debate which took place in this House during the budget session of 1929 in reply to a token cut moved by himself on exactly the same subject. The Hon'ble Member in charge of the Revenue Department then pointed out that in the past, although it is not the policy of Government to sell their *khas mahal* lands, actually two or three times or more, Government has sold *khas mahal* lands outright for the purpose of establishing religious edifices at convenient places. He added, as far as I remember, that there was no intrinsic objection to the establishment of any religious edifices in the neighbourhood of a court compound, and that any application for land for this purpose would certainly be

sympathetically considered. I may say that the position now is exactly the same as it was then, namely, that if we receive applications from anybody in Faridpur or elsewhere for land not inside but outside the court compound, for the purpose of building religious edifices for communities of any denomination, it will certainly receive sympathetic consideration. I hope, therefore, on this assurance the mover will withdraw his resolution.

Maulvi TAMIZUDDIN KHAN: Sir, I would like to clear up certain misconceptions. My hon'ble friend, Dr. Sen Gupta, has said that a matter trivial like this————

Dr. NARESH CHANDRA SEN GUPTA: I did not say this was a matter which was trivial. I said that it was purely local.

Maulvi TAMIZUDDIN KHAN: Dr. Sen Gupta says that a matter like this, which is purely of a local character, ought not to have been brought before this House. The House will remember that during my speech in moving this resolution I pointed that this was a local matter and the only justification for bringing it before this House was that it was a matter of great interest to the Moslem community. I am grateful to the Hindu members of the House who have spoken on this resolution giving general support to it. This is all the more assuring in view of the fact that we Muslims and Hindus must understand each other without which there cannot be any peace in the land. I only regret that Mr. Shanti Shekhareswar Ray said that the effect of bringing a motion like this would be communal dissension and that it would stimulate other communities to come forward with similar demands. I am sorry, Sir, that there should be any attempt to bring forward demands simply because a particular community has asked for something from the Government. The Moslems of Faridpur labour under a great disadvantage. They have no prayer house to say their prayers. They say their prayers either on the corridors of court houses or in open, and when there is rain the corridors and the open compounds get wet and the people meet with the greatest difficulty to find out a place where they can say their prayers. I am glad, Sir, that the House has generally accepted the necessity of a prayer house at Faridpur and other places where there is none.

I should clear up another point and that is this. It has been said that the people of Faridpur ought to have approached the local officers first. We approached the local officers time and again, and during the time when Mr. Burrows was the District Magistrate we came forward with a prayer of this nature and we are thankful that Mr. Burrows recommended our prayer very strongly, but it was rejected from above.

Therefore, as the local authorities cannot be expected to make a second recommendation in view of the previous decision of the Government, it has been my painful necessity to bring forward this resolution before this House.

I am glad, Sir, that Government has not opposed this resolution, but on the other hand, has said that any prayer made for the grant of a plot of land at Faridpur and other places, if required, will be sympathetically treated. In view of that assurance, Sir, I do not think I should call for a division in this matter, and I beg leave to withdraw the resolution.

Maulvi AZIZUR RAHMAN: I oppose the motion for withdrawing the resolution and press for it.

The motion of Maulvi Tamizuddin Khan was then put and agreed to.

5 p.m.

Joint electorate for future constitution.

Maulvi ABDUS SAMAD: I beg to move that this Council recommends to the Government that it be pleased to inform the proper authorities concerned that in the opinion of this Council the system of separate electorate is anti-national and inconsistent with responsible form of Government and is also highly prejudicial to the interests of the minority communities and as such in the future constitution of the country this should be replaced by a system of joint electorate.

Mr. President, Sir, before entering into a detailed examination of the merits or otherwise of the system of joint and separate electorates it would be worthwhile to state very briefly how the system of separate electorate came into existence and found its place in the present Reformed Constitution and how efforts are being made to perpetuate it in the future constitution of India. It is a known fact that the system first originated with the Lucknow Pact. It is equally known how that Pact was brought about with the help of His Highness the Agha Khan, whose services were specially requisitioned for the purpose and who had to come over to India from Europe solely with the object of securing the right of separate electorate for the Muslim community and in getting the same recognised by the British Government. But whatever justification there might have been for the introduction of the system under the Minto-Morley Reform Scheme, there was certainly no justification for its retention in the Montagu-Chelmsford Reformed Constitution under which the franchise was lowered and extended to an appreciable extent. In fact Mr. Montagu's report contains a very strong denunciation of the system but ultimately he had to say good-bye to his own political conscience and give

his decision on the basis of the Lucknow Pact. He practically killed three birds with one stone. He satisfied the Muslim communalists by accepting their demand for separate electorate, he satisfied the Hindu community by keeping their majority intact even in the provinces where they are in a minority and he also satisfied the Bureaucracy by securing Parliamentary recognition to a system introduced solely with the object of preventing the growth of Indian nationalism and inter-communal unity. Then came the Simon Commission and the report which the Commission submitted to the Parliament denounces in still stronger terms the evil effects of the system of communal electorates. But Sir John Simon also had to surrender to the will of the Bureaucracy and recommend its perpetuation on the basis of the Lucknow Pact.

As to what happened subsequently is comparatively recent history. There was the Round Table Conference and in the first Conference the Muslim delegates refused to accept 51 per cent. seats with joint electorate for Bengal and the Punjab, which the Hindu delegates were willing to concede, but instead asked for only 46 per cent. seats with separate electorates. The Hindu delegates not agreeing to this anti-national proposal, the negotiation for settlement of communal problem fell through. Then came the second Round Table Conference and the Muslim delegates growing wiser by their experience in the first Round Table Conference entered into an alliance with Dr. Ahmedkar, the so-called representative of the depressed class Hindus, and the delegates of the European and Anglo-Indian community and with the help of the British diehards produced a document known as the Minority Pact and on the strength of that document claimed separate electorates not only for themselves but also for the depressed class Hindus and the Anglo-Indian community. It is an irony of fate that the Muslim delegates who went with the avowed object of bringing the substance of independence in their pockets should enter into an alliance with the avowed enemies of Indian freedom. As could be expected neither Mahatma Gandhi nor the Moderate Hindu delegates could accept a solution on the basis of this Pact and the question had therefore to be ultimately referred to the Prime Minister for arbitration. In spite of his own personal views in favour of joint electorate we can very well anticipate what his decision would be. Most probably he would give his award in favour of separate electorate, but certainly not with statutory majority. Can any one believe that the Prime Minister, simply to please a section of the Muslim community, would go the length of displeasing the entire Hindu community? So, it is as certain as anything that if we get separate electorate, we shall get it on the basis of the Lucknow Pact with such slight modification as the change of circumstances would permit. This is what the majority of the Muslim communalist leaders really want. The threat of non-co-operation, in case their demand for statutory majority is not granted, is a mere bluff and nobody knows this fact better than the Prime Minister.

Sir, I cannot blame the Bureaucracy nor can I blame the European and Anglo-Indian members for this attitude towards this question of electorates. Their attitude is only natural and consistent with human nature. But I cannot understand the mentality of a section of my own community —a very strong and influential section no doubt—who are determined not to accept any constitution which does not confer the right of separate electorate upon the Muslim community. They seek to justify their claim principally on two grounds, *viz.*, (1) that it is necessary for safeguarding the interests of the Muslim community and (2) that the majority of the community demand it. As to the first point they have not yet explained how the interests of the community can be best safeguarded by separate electorate. Mere assertion of a proposition, how oft repeated and by whomsoever repeated, does not establish the truth of the same. We have been enjoying this privilege since a long time, but let us see how it has safeguarded our interests in the past. The Bengal Tenancy Amendment Bill was passed into law in the teeth of Muslim opposition. The Bengal Rural Primary Education Bill would have met the same fate but for the solid support from the official block and the European group. This support was given not in the interest of the Muslim community but on other political grounds. It was on similar grounds that they supported the Hindu members in enacting the Bengal Tenancy Amendment Act. If the electorate was joint, the Hindu members would have to consider a hundred times before disregarding the sentiments and viewpoints of the Muslim members. Then take the case of Ministry. It was the Muslim members, returned under the system of separate electorate, who are responsible for the overthrow of Muslim Ministry, not once but several times. They would have been only too glad to overthrow the present Muslim Ministry but, thanks to the timely exit of the *Swarajist* members, the opportunity did not occur and the catastrophe was averted. Instances of a like nature may easily be multiplied and I do not think that so far we have gained any benefit, worth the name, from separate electorate. On the contrary there is ample evidence to show that since the inauguration of the Reformed Constitution the feelings between the two communities are being gradually embittered and communal riots of the worst type are daily occurring all over the country. It is this pernicious system of communal electorate which prevents the growth of Indian nationalism and is responsible for the mutual loss of sympathy, goodwill and confidence which are essential for the peace, prosperity and happiness of the people. The most important ground on which every well-wisher of the country should oppose separate electorate is that under such a system elections are sought and contested on communal and religious issues and not on political and economic issues with the inevitable result that it tends to keep alive bigotry and religious fanaticism—the greatest obstacle to human progress. I can say from my own personal experience that since the inauguration of the Reformed Constitution the *fatwas* of the *mollas* are playing a very important part in politics and Council elections.

This is producing a very baneful influence upon the Muslim community and is retarding their progress in the fields of political and economic activities and much-needed social reforms.

As regards the second ground, *viz.*, that the majority of the Muslim community are in favour of separate electorates, the less said about it, the better. Assuming for the sake of argument that the majority of the Muslim community demands separate electorate, why should that demand be conceded when as a matter of fact it is opposed by the other communities representing more than four-fifths of the Indian population? What right have they to arrogate to themselves the role of dictators and impose their will upon the unwilling majority? I quite agree that the Muslims, as a weaker community, are entitled to claim on political and economic grounds concessions which are not anti-national in character. But they have no right to claim nor have the other communities any right to concede when the right claimed is anti-national in character and strikes at the very root of responsible government. I must say, Sir, that the advocates of separate electorates have taken up an inconsistent position. They profess that they are in favour of introduction of responsible government but at the same time they want separate electorate, knowing full well that the two cannot go together. Sir, it is impossible to fathom what is really in their minds. If they think that responsible government is detrimental to the interests of the Muslim community, they should have the courage to say so plainly and if they can prove that their viewpoint is correct I shall join them whole-heartedly in opposing the introduction of responsible government, because I am no less a communalist than they profess to be in all matters which really affect the interests of my community.

Sir, from whatever point of view the question may be looked at, separate electorate is highly detrimental to the interests of the Muslim community and other backward and minority communities and is anti-national and inconsistent with responsible form of government and as such the nationalist Muslims are not prepared to accept it, under any circumstance, even with statutory majority. So, the electorate must be joint. Now as to the question whether the seats should be reserved or thrown open to general competition, I am in favour of the latter system though, by way of compromise, I am prepared to accept joint electorate with reservation of seats as a temporary measure. From my experience of elections in the local bodies I am of the opinion that under a system of joint electorate without any reservation of seats we would be able to return members of our community in overwhelming majority. If anybody entertains any doubt on this point let him carefully read the very able and thoughtful article on the subject written by Maulana Akram Khan and now published in a book form. The Maulana Saheb has proved by facts and figures that the Muslim community has nothing to fear from

joint electorate without reservation of seats. In fact, the Hindu leaders know this very well, but thanks to their sense of patriotism, they are prepared to accept, in the larger interests of the country, joint electorate without any reservation. That this is the correct attitude would be apparent to every student of constitutional history, because under a system of joint electorate every member is a common representative of the constituency from which he is returned and as such he is bound to look after the interests of all communities forming the constituency. As regards franchise, there is practically no difference of opinion. All schools of political thought want that universal adult franchise should be introduced as early as possible. I would, however, accept the scheme formulated by the All-India Congress Committee, *viz.*, the introduction of universal adult suffrage, if practicable, but if found not practicable at present, then the franchise should be so lowered and extended as to reflect on the electoral roll the proportion which each community bears to the total population in the province. This, in my opinion, will sufficiently safeguard the interests of the Muslim community. And, lastly, regarding the reservation of seats for such interests as landlords, commerce, university and the like, I entirely agree with my friend, Maulvi Tamizuddin Khan, that there should be no reservation for any interest whatsoever. But I cannot agree with him when he says that the acceptance of his suggestion should be made a condition precedent to the acceptance of my resolution in favour of joint electorate.

Before resuming my seat I would like, Sir, to remind the advocates of separate electorate that we are now on the parting of the ways, and the fate of Indian nationalism and therefore of Indian freedom rests upon the path we choose to follow. It should be remembered that we gain nothing by antagonising the great Hindu community and making them our enemy. We often speak of selfish Hindu mentality and make that as one of the grounds for demanding separate electorate. Assuming that Hindu mentality is really bad and selfish, separate electorate instead of curing the mentality would make it worse. That mentality can only be changed and cured by the adoption of a system of joint electorate which would place the Hindu community entirely in the hands of the Muslim electorate. The Hindu leaders are prepared to accept that position, but we are rejecting this offer. May God save the poor Muslim community!

5-15 p.m.

Mr. PRESIDENT: I find that there are two amendments to this resolution. I think much time of the Council will be saved if we ask Maulvi Tamizuddin Khan to move his amendments at this stage, so that we may have one discussion on all the three motions.

Maulvi ABDUS SAMAD: On a point of order, Sir. I think the amendment is not in order and my ground is this. As regards his amendment 4A, he wants the following words to be deleted:—

> "is anti-national and inconsistent with responsible form of government and is also highly prejudicial to the interests of the minority communities and as such."

That is no amendment at all. These words are argumentative.

Mr. PRESIDENT: I overrule your objection. I think the amendment is in order.

Maulvi TAMIZUDDIN KHAN: I beg to move, by way of amendment, that in the motion of Maulvi Abdus Samad—

(*i*) in lines 4 to 6 the following words be omitted, namely:—

> "is anti-national and inconsistent with responsible form of government and is also highly prejudicial to the interests of the minority communities and as such";

(*ii*) in line 6 the word "this" be omitted; and

(*iii*) the following be added as a proviso, namely:—

> "Provided that the electorate is based upon universal adult suffrage and there is no reservation of seats for any community or for any interest such as landlords, commerce, University and the like."

May I have your ruling whether I should also move the second amendment. If the first amendment is not carried, then I should like to press for my second amendment.

Mr. PRESIDENT: You may move the two amendments although the second one may not be necessary.

Maulvi TAMIZUDDIN KHAN: I also move that in case the first amendment is not carried the following proviso, which I have referred to in my second motion, be added to the resolution, *viz.*:—

> "Provided that the electorate is based upon universal adult suffrage and there is no reservation of seats for any community or for any interest such as landlords, commerce, University and the like."

Now, the first amendment, which I have suggested, may be divided into two parts. The first part is the omission of certain clauses and certain words and the second part is the addition of a proviso. So far as the

first part is concerned, the omission of certain clauses and words, I do not think that the mover of the original resolution can have any objection to accept it, because the portion sought to be deleted is a mere argument against separate electorate. My object in moving this amendment is to attain great uniformity and greater support for the resolution moved by my friend, because there are people here and people outside who perhaps may not agree with the argument put forward by my friend in the body of the resolution, but they may, all the same, agree to have joint in preference to separate electorate. Therefore if this argumentative clause, *viz.*, "the system of separate electorate is anti-national and inconsistent with responsible form of government and is also highly prejudicial to the interests of the minority communities and as such," remains incorporated in the resolution, they will not be able to support the resolution which they would otherwise like to support. I also personally think that it is not necessary—it is not essential—that an argumentative clause should form part of a resolution. The argument may be put forward in support of the resolution; but it cannot be an essential part of it. My friend has put forward various arguments in favour of his motion, but it is not essential that all these arguments should form a corporate part of the resolution, especially in view of the fact that the inclusion of the arguments may preclude some of the members from giving their whole-hearted support which otherwise they would have given to the resolution. Therefore I hope that the first portion of my amendment will be accepted by my friend the mover, and if that is accepted, the resolution will read like this:

"This Council recommends to the Government that it be pleased to inform the proper authorities concerned that in the opinion of this Council the system of separate electorate in the future constitution of the country should be replaced by a system of joint electorate."

Sir, I now come to the most important part of my amendment, that is the proposal to add a proviso to the resolution. Maulvi Abdus Samad has worded the resolution rather vaguely and it has left a good deal of loophole, and a great deal of mischief can be created on account of this loophole unless all the implications of the resolution are made clear. In fact, my friend has agreed with my proviso. He has stated that he is not in favour of reservation of seats for any community or for any interest: he has also stated that he is in favour of adult franchise; that is what my amendment recommends. I do not understand the attitude of my learned friend when he says, notwithstanding that he is not in favour of this amendment. Now, I would like to say a few words in support of my amendment. First of all, the proviso proposed by me seeks to recommend that the electorate must be based upon universal adult franchise. I do not think that there is any one in this House who is opposed to the introduction of universal adult franchise which

is the *sine qua non* of real democracy. If a responsible government is to be a real responsible government, then it must be based on universal adult franchise. No doubt England whom we are going to copy adopted the system of universal adult franchise only recently after a long period of struggle, but that is no reason for us to go through the whole process. There is no reason why we should not profit by the lessons of history particularly as we have already had a training in democracy at least for a period of 10 years. With that 10 years' experience I think we can very well step into the stage of universal adult franchise. Although there is none who is on principle opposed to universal adult franchise, there are people who think that it is an impossibility under present circumstances and that it is administratively not practicable: that is no doubt a weighty argument; but I think, Sir, the difficulties are not insuperable. We are now going to attain a great thing, and nothing great in this world has been achieved without fighting against and overcoming great difficulties. If we can establish a real democratic government in this country, that will surely be a great achievement, and in our efforts to achieve that great end there must be great difficulties in the way; if we are overawed by the difficulties our goal may be put off for ever. Now, Sir, what are the difficulties to bring into operation the system of universal adult franchise? The most important argument advanced is that there will be a great dearth of polling officers. I think there are sufficiently large number of educated people in this country who can be entrusted with this work. There are innumerable educational institutions—high schools and colleges—in this country, and the services of teachers and professors of these institutions can very easily be requisitioned when the time for polling comes and thus the difficulties apprehended can be surmounted. There are also other classes of people available for this purpose but I need not refer to them in my short argument. My submission is that there is no insurmountable difficulty.

The second part of my proviso is that there should be no reservation of seats for any community or interest. There also my learned friend, the mover of the resolution agrees with me, and all right-thinking men should, I think, agree with me. If there is any reservation of seats, Sir, that will not be an ideal state of things. If there is any reservation of seats for any community or interest, that is nothing but separate electorate under a different colour. That is not joint electorate in the true sense of the term and that has also got various disadvantages of its own. It has got certain additional defects without having the advantages of separate electorate. Every one is agreed that separate electorate is bad. It has, no doubt, certain good features, but in spite of its good features, it is so very bad that we are not in favour of it. But in a system of joint electorate with reservation of seats, most of the disadvantages of separate electorate will remain: the minority interests

will not be able to send any real representative to the Council. The representatives of the minority communities in the legislature will be so many bogus representatives, brought in by the vote not of the minority communities concerned but in reality of the majority communities. Therefore such so-called representatives will be able to do more harm to the minority communities concerned than the representatives, who come through separate electorates or through joint electorate without any reservation of seats, would ever think of doing.

Sir, there is one other point. It has been said in various quarters that unless there is reservation of seats, it will not be possible for the landlords to come to the Council. First of all, if the landlords or any other interest want reservation of seats then they should frankly say that they are not in favour of joint electorate—they should then admit that they are in favour of separate electorate. Secondly, there is no reason whatever for the land-holding interests to entertain any apprehension like this. In the present state of things although the land-holding class have only five seats allotted to them, they have always come in in far larger numbers to the Council, because the landlords are the most influential people in the country. Therefore, whatever system is introduced, they are bound to come in in far larger numbers than they can do if there is any reservation of seats for them. Of course under the existing system they have one thing to their advantage, *viz.*, that they have certain seats reserved for them and they can also contest any number of seats from the general electorates. This, I think, is not a fair state of things, and a perpetuation of this is highly undesirable. If they are given special representation through special constituencies, there is no reason why they should again be allowed to come in in as large numbers as possible through other constituencies.

5-30 p.m.

If in the future constitution this anomaly is taken away and only a certain number of seats is allotted to the landlords, then I think that will prove a source of great disadvantage to them. If, however, the whole electorate is open to them, I am quite sure that they will be able to come in in far larger numbers than they can by means of this separate electorate. Therefore, my amendment ought to be acceptable not only to my friend, the mover, but also by the whole House. In case my amendment is not accepted, it will be very difficult for us to accept the resolution in the form in which my friend has moved it, because he has left out certain essential factors without which we shall be quite in the dark as to the future effect of this resolution. This is of such vital importance that we cannot leave things shrouded in obscurity. We must make the essence of things clear. With these words, I commend my motion to the acceptance of the House.

Rai Bahadur KAMINI KUMAR DAS: Sir, I beg to support Maulvi Abdus Samad in his—this noble-minded resolution. He moves this resolution because he is conscious of his own strength. I support this resolution because I have the greatest good of the greatest number in view. This was our view when Bengal's leaders wanted us to oppose the partition of Bengal. We were told we did realise that the Cindrella of Bengal would have been Queen of Assam if partition was not annulled but still we opposed the same and experience will tell you all what we, the-least-thought-of Chittagong people, have lost or gained by the annulment. Now, Sir, I hope and trust the people of Bengal, native, adopted or naturalised, will always remember that we are Indians and our common and main object in view is the welfare of India. The ancient Hindu jurists, thinkers and philosophers divided the Indians into four principal castes and several sub-castes only to provide facilities for the smooth working of the state and society, but all were Hindus nevertheless, and I hope you will all view the present question of representation in that very same light. I beseech you—friends, countrymen, kinsmen and brethren—to remember when our greatest sufferings commenced, was it not at the time when fertile brains put before us that there should be no music before mosques, there should be no cow-sacrifice in India? Unfortunately such a shape was given to these things that there have been disturbances all over the country on these matters which can be avoided without interfering with our religion in any way. But now I submit: Is it not, Sir, this cleverly put "representation" which is keeping up perpetual tension of feelings between the two great communities now inhabiting India?

Sir, will my countrymen remember when Adam delved and Eve span who was then the gentleman? Was not there a time not very long ago when all Indians found their leaders in Sir Surendranath Banerjea, Babu Kristo Das Pal and eminent Maulana Badderuddin Tyabji and such others irrespective of caste, creed, community or religion? Did anybody then think that his claims would not be adequately considered and protected by a Brahmin, a Pal or a Muhammadan? Was there any question of caste, untouchability and communities? Was not that a better time when Hindus and Muhammadans would sit in the same *sara* side by side smoking *hookhas* and calling each other uncle or cousin? I think we can even now go to that happy stage of society if only some of us forget themselves and do not think how they can enter Council or shine in their own profession.

I hope and trust, Sir, that my voice will have greater consideration because I come from a district where percentage of Hindus and Muhammadans is 15 and 85, respectively. In the local bodies in our district where there is still the joint electorate system in vogue we all try to be friends with both Hindus and Muhammadans because time will come when people of both communities will have to approach each other at

the time of election and before and after. After being successful we always have to bear in mind that we should look to the interest of all the communities; but if there be a separate electorate these things would not happen and necessity would make strange bed fellows even when there is no display of nobler feelings. Sir, I will therefore ask my countrymen always to remember that we are Indians and not Hindus, Muhammadans, Christians or Buddhists. Amongst Hindus we have Shakta, Vaisnab, Ganapatya, Shaiba, Shouma and several others but still all are Hindus and all their interests are inseparably blended; and now let us have only one people to be called Indians—in whom these Hindus with different sects, Muhammadans—of Shia, Shunnies and other sects, Protestants and Catholic Christians, Sikhs and Buddhists, will merge and form a united whole.

The greatest barrier to meet in one common room or club is fast decaying and will shortly be a thing of the past; men of all communities are trying for it for the common good—many other people are for it for their own advantage. So we can confidently say it will soon disappear. So, Sir, I hope my brethren of all communities will realise that the time has come for the uplift of our common mother country and I hope they will take it by the forelock.

The greatest obstacle in our way is suspicion—mutual distrust. Unless all are at one in thinking that we are all Indians and what is good for India is good for us and we have no separate existence beyond being Indians—I hope all difficulties would disappear as night disappears before day.

I beseech all the leaders of the country who are the children of the soil and others whom destiny has brought on the common platform to strive for this one end, and that is, the welfare of India. Inhabitants of India would remember that India is their birthplace—others would remember that this is the country of their adoption and so, all will work for a common goal.

Sir, I therefore beseech my countrymen of all descriptions to come forward honestly and frankly and try to forget this rancour known as communalism; otherwise there is no hope for our mother India. She will otherwise again plunge into ruin and misery day by day till she goes back to primitive stage of savagery and barbarism.

Now, Sir, if my friends will not listen to my prayer, then I will try to get justice from all right-minded persons by reason.

The last census returns of 1931 will be our eye-opener. It cannot be denied that literacy will be a very important factor to decide the question of eligibility for taking part in the popular representation.

The number of literates in Bengal in 1931 is 4,743,281 of which 4,078,774 are males and 664,507 females. The number of literates

among Moslems is 1,583,710 of whom 1,394,251 are males and 189,479 are females. The number of literates among the Hindus is 3,051,391 of whom 2,616,233 are males and 441,098 are females.

While the Muslim population in Bengal according to the latest census tables is 56 per cent. of the whole, their literacy barely comes up to 33 per cent. of the total number of literates, while the corresponding figure of Hindu literacy is about 64 per cent. Again among the Muhammadans themselves, the percentage of their literacy comes up only to a little over 5 per cent.

Again, Sir, it will not be out of place to say who have the greatest stake in the country—Hindus or Muhammadans? On this ground also both as to payment of revenue and income-tax, the Hindus will go far ahead of Muhammadans. However, these are not points for me to press. Mine is prayer, mine is solicitation; it is the solicitation of one who will never sit in this House if my prayer is given effect to. Still I will most solemnly pray to the Most High that He will give you enough strength to rise equal to the occasion and to forget yourself for the common good of our mother India.

With this humble prayer I beg to support this motion

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise to give my most sincere and emphatic support to the resolution of Maulvi Abdus Samad. The body politic of India has been poisoned by the introduction of communal electorate since the reformed constitution came into existence. This land is the land of the Hindus and the Muhammadans as well. But to divide the two communities into water-tight compartments is to perpetually foster mutual distrust and hatred. For centuries Hindus and Muhammadans have lived together in this fair land side by side. No doubt they quarrelled sometimes, but they soon made up their differences between themselves without the interference of a third party. But with the inauguration of the reformed constitution, the Hindus think that they are simply Hindus and the Muhammadans think that they are simply Muhammadans and hardly do they get time to think that they are both Indians. But, Sir, when politics is concerned both Hindus and Muhammadans must think that they are Indians first and Indians last. The result of separate electorate has been the recent riots in different parts of the country which have not only continued for days together but sometimes for months. Even the Government is unable to put a stop to this terrible loss of life and property and that is not to its credit. If the Government is really in earnest that no more riots should occur, I hope, the Government is, then, Sir, I pray with all the emphasis I can command that the Government should introduce at once a joint instead of a communal electorate. With a joint electorate a Hindu must approach a Muhammadan and *vice versa*

and no fanatic of either community will be able to misguide the members of his community. Remove the root cause of unrest and there will be peace and prosperity in the land. For while peace and order reign in nature have I not reason to lament "what man has made of man?"

Mr. J. N. GUPTA: I rise to support whole-heartedly the amendment of my friend, Maulvi Tamizuddin Khan. In doing so, however, I must make it clear that I accept whole-heartedly the grounds which have been so strongly and so ably put forward by my friend, the mover of the original resolution, in pressing for election on a joint basis. And I congratulate both Maulvi Samad, the mover of the original resolution, and my friend the mover of the amendment, Maulvi Tamizuddin Khan, for the broad outlook which they have taken in moving the resolution and the amendment, respectively.

As regards the justice underlying the principle of joint electorate which has been formulated in the resolution and accepted in the amendment, I do not wish to say much as it has already been so ably argued by the mover. I hope my Muhammadan friends will accept the national viewpoint of my friends Maulvi Samad and Maulvi Tamizuddin.

5-45 p.m.

Sir, in fact what the Muhammadans in Bengal have to decide to-day is whether they are going to consider Bengal as their motherland, whether they are going to consider themselves Bengalis or whether they are going to remember what was the state of things centuries ago, whether they are the descendants of Muhammad of Ghazni or Muhammad Ghori. I am very glad that a national outlook has been so strongly expressed by the mover of the resolution. I trust the lead given by him will be accepted by his co-religionists and they will support the motion with or without the amendment. As to my Hindu friends, I would appeal to them to accept the amendment of my friend, Mr. Tamizuddin Khan, because if you accept sound politics as the only guiding principle in this matter you cannot go half-way only and say that you want joint electorates but do not want to do away with the reservation of seats. You have always held before yourselves principles of nationalism, but when it comes to its application in an important issue like this you resile from your principle, specially on a day like this when only a few days afterwards there will be the communal award given and it will be too late then for us to decide this question here in this Council or anywhere else. Therefore at this moment we must not do anything which will put any difficulties in the way of this resolution and amendment being accepted. I would, therefore, most earnestly beg of you to look at the question from a broad national outlook, and not only to consider what the position of the Hindus and

Muhammadans will be if either the motion or amendments are to be accepted, but also we must stand by right principle. I would also request my friends on the Treasury Benches that if this resolution be passed to-day in this House, they should lose no time in communicating the decision of this House by telegram to His Majesty's Government at Home so that before the final award is made, at least the notice of the authorities may be drawn to the fact that at this very late hour this Council has resolved in favour of joint electorates in Bengal. With these observations, I whole-heartedly support the resolution and the amendment.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I congratulate the original mover of the resolution on having brought up this question in spite of the fact that he belongs to the Muhammadan community. I feel proud also of the fact that he hails from Murshidabad, my own district. By moving this resolution he has shown his courage and straightforwardness and faithfulness to the principles he has adopted for his political activities and which are universally accepted. I understand that the intention of the original motion is that there should be joint electorates and not an electorate on the basis of religion. The mover of the amendment has proposed a proviso in his amendment; as a matter of fact the mover of the resolution rose on a point of order to oppose such an amendment, but unfortunately that was disallowed.

As regards the amendment moved by Maulvi Tamizuddin Khan, I would first of all point out that the principle of adult suffrage is theoretically sound, but my friend should know whether it is practicable at the present moment or not; as a matter of fact this question has been thoroughly discussed and dealt with by the Indian Franchise Committee, and if you look into their report, you will see that this is what they have said:—

"It seems to us to be the course of wisdom and statesmanship not to attempt to launch the new constitution on the basis of adult franchise." That committee thoroughly investigated the matter and went into it very carefully. Therefore, as I have said, we must thoroughly know whether the system proposed is within the range of practical politics. Individual opinion like that of Mr. Tamizuddin will not do. The Franchise Committee dealt with it thoroughly and we must place reliance on their finding. Mr. Tamizuddin's assertion will be of no avail to us.

Sir, with regard to the other matter, namely, the proposal to do away with the reservation of seats for landlords, commerce and the University, my friend, Maulvi Tamizuddin Khan, has said that the example of England is his aim and ideal, but I am sorry to point out

that he has forgotten the fact that in England they have reservation of seats for the University, namely, for Oxford and Cambridge. In other countries of Europe too they have seats reserved for other special interests. So, I think, he should follow his ideal, *viz.*, England, and should not object to the reservation of seats for special interests. His argument is against the principle he sets up. He must, therefore, either follow England which is his ideal or give up his ideal and state the wishes of his heart without appealing to any sort of idealism. So long as his ideal is there, he cannot move this amendment. With these few words I oppose the amendment of Maulvi Tamizuddin Khan.

Maulvi ABUL KASEM: Sir, I am sorry that I have to raise a discordant note on a resolution which has caused an overflow of eloquence from my friends on my right. I am sorry that this question has been raised in this House, because I believe that it will serve no useful purpose. The question whether the Mussalmans or, for the matter of that, the majority or any minority community in this country will be represented by separate or joint electorates or mixed electorates is not to be decided by an expression of opinion of a House like this but by the minorities themselves. My friend has stated that at the Round Table Conference the Mussalman delegates met together and they did not accept even a 51 per cent. of the seats reserved for them on the basis of a joint electorate but would have rather 46 per cent. of the seats on the basis of a separate electorate. He has said that as the Hindus did not agree to the second part they went to the length of joining hands with Europeans, Anglo-Indians and Namasudras and other minorities: and this gave birth to the minority pact. In answer to that I beg to observe that the facts, as they are, show that on account of the majority community's want of sympathy, or I would rather be justified in saying, antipathy, to the expressed opinion of the Mussalman delegates, the latter had no alternative but to join hands with the other communities for their protection and the protection of others.

Then, Sir, my friend has said that simply a section of the Mussalmans want separate electorates; I admit, Sir, that there are Mussalmans who would favour mixed electorate, but I submit, Sir, that their number is comparatively small. Expression of Muhammadan opinion on all public matters should be the expression of a bulk of the Mussalmans and my friend has said that the question of separate electorates has been the cause of communal riots. I would remind him that if he is a keen observer of events in this country he has found that on many an occasion at elections where joint elections do exist, such as in municipalities and district boards, if the parties, Hindus and Muhammadans, happen to be of equal strength, there have been a breaking

of heads and riots. The question will then be that whether you go to vote for a Muhammadan or a Hindu, there will surely be scrambles and quarrels. To avoid this the question of separate electorates was raised—it has, Sir, a long history behind it.

My friend has stated that when the question of separate electorates was first raised many years ago, Mr. John Morley, although his open conviction was on the other side, had to submit against his own conscience and accept the system of separate electorates. Believing for the moment that Mr. John Morley had to give way against his conscience, I submit before this House that he had to do it because the strength of Muhammadan opinion and the volume of Muhammadan opinion, was so intense and impressive that he had no other alternative but to do it.

It has been said, Sir, that His Highness the Aga Khan came all the way from England to India simply for fluttering up the question of separate electorates. I would like to remind my friends that although it is a fact that His Highness is generally a resident of Europe (though not of any particular country) he comes to India once a year in the cold weather. I may, however tell my friends that it was not he who came here to raise the question of separate electorates but because the Mussalmans of India of different provisions and different shades of political opinion approached him and stated that at this critical moment it was his duty to come over and preside over a conference here at Delhi that year. Then again, Sir, my friend has said that the baneful effect of separate electorates has been that in the Bengal Tenancy Amendment Act the Mussalmans lost all their amendments and the Hindus gained the day; my answer to that, Sir, is that the amendments put forward by Muhammadans were mainly those which safeguarded the interests of the tenants, the majority of whom are Muhammadans, and went against the interests of the land-owning classes; and, therefore, the Muhammadans were opposed by the whole body of Hindus, and what is more, Government gave their protective wings to the Hindus. Sir, the lesson is one which we cannot forget; it is that where the interests of the poor Muhammadans are concerned you cannot trust the richer, the wealthier and land-owning classes. Then, Sir, we have been told that in the Primary Education Bill the Muhammadans carried the day; they could do so because Government supported them. I would remind my friends that it was not a private Bill but a Government Bill introduced after persistent demands from the public of India. The question was raised so far back as in the year 1892 by a countryman of ours of revered memory, the late Gopalkrishna Gokhale. Government tried to shelve it times without number and at last when they could not shelve it any longer they had to introduce it in the Legislative Council. It was a Bill which gave primary education to the masses and made it free and universal.

6 p.m.

What was that Bill? That Bill gave primary education to the masses, made it free and universal, and my friends who talk of nationalism and adult suffrage and of these things objected fo give free primary education to the masses of the country and even at a time when in spite of the distress these self-same masses were willing to submit themselves to fresh taxation for that purpose, and they did so because they thought that education would be a sound and good investment on their part. But, Sir, it is a matter of regret that these things should be discussed in this House because it can have no practical result. Even if you cable to the press in England or to the people, the question has to be decided not by the legislature but by the different communities sitting as such, I would certainly welcome the motion of my friend Maulvi Abdus Samad at a conference of Muhammadans and if he could convince his Muhammadan members and his constituency that it is to their interest to have joint electorate and if he could convince them by argument, I would be the first person to support him. But to come to this House and to move a resolution with the expectation of receiving the congratulations and the approbations of people unconcerned with this question, I certainly object to it. I have heard his speech with attention and interest. He says: why should this small section of the Muhammadans impose their will upon the majority? My answer to him respectfully would be: why should the Hindus try to impose their will as to the manner in which the Moslems are to be represented in the legislature of this country? It will be the tyranny of the majority against the minority. The question is not as to what should be the religion, faith or position of a man in the legislature, but the question is who are the people who are sending these men to the legislature to watch their interest and to safeguard it? That is the point.

As regards the amendment of my friend Maulvi Tamizuddin Khan, I admire his cleverness. Shrewd lawyer as he is, he has put forward this motion knowing full well by past experience and knowledge that that will be an unpalatable Bill.

Sir, the speech of my friend, Maulvi Abdus Samad, which has been very well delivered and at least will be well-received in the press, I am afraid, reminds me of a Persian couplet which translated freely would mean that I reflected the opinion of the Congress and of the Congress people who (the rest of the sentence was inaudible at the reporters' table).

Sir, the question is why do the Muhammadans want separate electorates? The simple answer is that they are nervous about it. They cannot have confidence in the majority community. I say that there will be no necessity for separate electorates or for reservation of seats or whatever it is, if that confidence is secured by the majority in the

heart of the minority. It is easy to say that separate electorates go against nationalism. The best way for the nationalists would be the removal of causes which cause misapprehension and misunderstanding amongst the minority communities, and not to try and impose upon them whatever they like. Remove the cause and the evil will go as well. I admit that separate electorate is an evil, but it is an absolutely necessary evil. They compare this with other countries but forget in making comparisons that India is not like any other country existing in the world. It is inhabited by so many different people of different castes and creeds, and it is wrong to believe that the difference between the Hindus and the Muhammadans is a difference of faith and belief; but the Hindus and the Muhammadans are two distinct people living in a country with distinct civilisations, culture and social structure and different modes of living. Read the history of India. What happens in this country? It will be seen that there is sufficient justification for the apprehension which the Muhammadans have against the tyranny of the majority. We have been told that for hundreds of years Hindus and Muhammadans have lived together in amity. May I ask if they lived together on friendly and brotherly terms, how is it that the British have come here?

Mr. B. C. CHATTERJEE: I have heard with great pleasure the interesting speech of my friend Maulvi Abdus Samad. I thank him for the courageous way in which he has insisted on Bengal having a joint electorate. From a strictly constitutional point of view, a joint electorate is a necessary corollary of responsible Government. It is somewhat absurd if I come to this House with the disqualification that I am a representative, not of my friend Mr. Suhrawardy, that I can never be his representative, but that I must be the representative only of the Hindus of Bengal.

Mr. NARENDRA KUMAR BASU: No, only of non-Muhammadans.

Mr. B. C. CHATTERJEE: If we are going to have responsible Government, I must possess the right to be responsible as much to my friend Mr. Suhrawardy as to my friend Mr. N. K. Basu. A system which debars a Hindu from being responsible to a Muhammadan, and a Muhammadan from being responsible to his Hindu countrymen in Bengal, is certainly a parody of what we understand by responsible Government. The hon'ble member has now suggested the creation of a joint electorate for Bengal, and I say in doing this, he has acted in accord with the principles of responsible Government. The real trouble, however, comes when you go to the next stage. Should we have a joint electorate without reservation of seats, or must we have a joint electorate with reservation of seats? There are a great many of my countrymen, I regret to say,

who deliberately refuse to look beyond the tips of their noses and will not realise that just at the present moment the Muhammadans and Hindus are so minded towards each other that the Hindus of Bengal will not submit to be ruled by a Muhammadan majority, and the Muhammadans of Bengal will not submit to be ruled by a Hindu majority. Well, that is a downright fact. I am asking every one of my friends here, and every one of my countrymen outside this place, to search his heart and give a direct answer. I submit, Sir, we shall be false to ourselves if we say, here and now, that we, Hindus, would be very glad if under a system of joint electorate a Muhammadan majority came in and ruled Bengal, or that the Muhammadans would be glad if a Hindu majority came in and ruled Bengal. We simply have not yet arrived at that stage of unity; if we had, the British would not be here. The very fact that the British are here, is indicative of the reality that the Hindus and Muhammadans have not learned to hit it off together. I think we would register a very great progress at this stage, if we got on to a joint electorate with reservation of seats. Just let us see how it works out if we have no reservation of seats. Northern Bengal and Eastern Bengal Hindus will be wiped out of the Council by their Muhammadan rivals; they will not get a chance of coming to the Council at all. Western Bengal Muhammadans similarly will not have a chance of coming to the Council. That is a state of affairs that we cannot contemplate with any degree of complacency. Do we want a system of election whereby you divide Bengal up into a Muhammadan Eastern Bengal and a Hindu Western Bengal? Are we going to have the partition of Bengal resurrected? You will then have this place filled up with West Bengal Hindus, and East Bengal Muhammadans, the latter most probably constituting a majority on this Council——

Mr. H. S. SUHRAWARDY: Not under the Lothian Committee's proposals.

Mr. B. C. CHATTERJEE: Many of my Muhammadan friends are under the overmastering apprehension that if you have a joint electorate without reservation of seats, the Hindus by reason of their wealth, and influence, and by other means, would most probably get round the electorate even in East and North Bengal and be able to constitute an absolute majority in the Council, and rule out the Muhammadans. Similarly, there is a great deal of apprehension among Hindus that they would be swept out of all power and privilege by an overwhelming Muhammadan majority coming in form North and East Bengal. Can we say there is no room for such fears? One thing is certain, and that is that if we have a joint electorate without reservation of seats, many heads would be broken before the election was over. That is an unpleasant reality that we must keep in view if you are going to have a joint electorate. Messrs.

Basu and Gupta have warmed up with enthusiasm over the theme of joint electorate; Mr. Gupta, drilled in that exacting school of experience —the Indian Civil Service—has become a sudden convert to the Congress creed! But that does not alter by one whit the realities that face us. Because of them I suggest an intermediate stage. Before we begin to work full-blooded democracy in Bengal, we, Hindus and Muhammadans, should see for ourselves how we behave towards one another under the new order promised to us. And my *definite* suggestion is that we should begin with a constitution in which the Hindu and Muhammadan representatives were absolutely equal in number, so that neither party could successfully legislate against the other party, but could legislate for the benefit of the whole country by acting together.

My friend Mr. N. K. Basu has with unerring intuition shouted "fifty-fifty;" there is nothing wrong in fifty-fifty.

6-15 p.m.

We shall do well to remember that all progress has been by way of neutralisation of evil. We progress from bad to less bad, and then to lesser bad, and so forth. That is how progress goes on. At one time, during the early history of the race, cannibalism was the order of the day. Later on, cannibalism was substituted by slavery. When people found out that men were more valuable as labourers than as food, cannibalism was substituted by slave labour. And to the extent that slavery displaced cannibalism, it was a distinct advance in civilisation. Similarly as far as the Hindus and Muhammadans of Bengal are concerned, I think, it would be better if they began by way of making an experiment by placing things deliberately in such a position that neither party could harm the other. In other words, the Council must be so constituted as to make the Hindu and Muhammadan seats absolutely equal, that is to say, we must have as many Hindus as Muhammadans, special constituencies or no special constituencies. I hear my friend Mr. Suhrawardy saying that if we have Hindus and Muhammadans in equal numbers, then the Englishmen will hold the balance of power. It will be nothing of the sort, if the Hindus and Muhammadans can be sensible and unite together. The British then would be nowhere. If the Hindus and the Muhammadans are so stupid and inherently vicious as to be able to fly at each other's throats in spite of their strength being 50/50, then the Englishman should hold the balance of power. I say there must necessarily be this intermediate stage to enable Bengal to feel her way forward. I personally believe that if we have 50/50 seats, then gradually this anti-Hindu and anti-Muhammadan feeling will die of inanition. Once we realize the fact that our Council has been so constituted that we cannot do any harm to each other, but that we may, if we will, do good to each other, well, we may then really combine and act

together for our mutual benefit. And as soon as we begin to combine for our mutual benefit, the Englishman will cease to hold the balance. He will of course not cease to be our friend, and we shall ask for his advice and help whenever we may want. At the present moment it is ridiculous to say that we, the Hindus and the Muhammadans, are not divided amongst ourselves. What is the point of ignoring this reality? A Hindu cannot get into a Muhammadan's house without having to purify himself with Ganges water later on. And it is no use denying the fact that the Muhammadan radically differs from the Hindu in his outlook on life. My humble submission is that we should begin with a joint electorate and reservation of seats with equal numbers of Hindu and Muhammadan members of the Council. I think that is the only solution that will fit in with the realities of the situation when we step into the new constitution. That in short is my appeal to the Council.

Mr. PRESIDENT: Are you opposing both the resolution and the amendment?

Mr. B. C. CHATTERJEE: I support the motion for a joint electorate.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, the Prime Minister has taken upon himself the great and arduous task of settling the communal issue which is exercising the mind of the Indian nation to-day. His award is expected within a few days. The world is anxiously waiting for his memorable announcement. We wish that his award is favourably welcomed by all sections of the people of this country as well as outside India. But the chances for a good reception of his award will be best, if it be free from any communal bias and if it is inspired by the single desire of unifying India. The average British politicians who take some interest in the affairs of India to-day usually carry impressions that it is a land of warring communities and antagonist groups. But a careful study of Indian History leads us to a different conclusion. Those who are acquainted with the condition of British India even a generation ago would testify that at that time communal tension was absolutely unknown. The two great communities then lived in peace and amity and the different groups in each community did not even know how to offend the feelings of the other. That communal animosity and class hatred are of very recent origin and can be dated from the introduction of the system of separate electorate, is admitted by historians and politicians alike. It is said that the movement for separate electorate was set up to frustrate India's onward march to the goal of liberation. "A small section of inhabitants of this province has been pressing for communal representation. It is my belief that they are playing into the hands of the enemies of India's progress." Thus said

Sir B. B. Ghosh, a retired High Court Judge and till recently an officiating member of the Governor's Executive Council, presiding over a meeting of the Hindu citizens of Calcutta on Thursday last. He said: "If communal representation was continued for some time more, the progress of India would be put back for a good number of years." Sir, let us see what Mr. Ramsay Macdonald himself has got to say about this pernicious system of communal electorate. During the Round Table Conference, at the debate he initiated in the House of Commons, he forcefully declared—

"If every constituency is to be earmarked as to community or interest, there will be no room left for the growth of purely political organisations which would comprehend all communities, all creeds, all classes, all conditions of faith. This is one of the problems which has to be faced, because if India is going to develop a robust political life, there must be room for national political parties based upon conceptions of India's interest, and not upon conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India. Then there is a modified proposal regarding that; a proposal is made that there should not be community constituencies with a communal register, but that there should be a common register in the constituencies; but that with a common register, a certain percentage of representation should be guaranteed to certain communities. It is the first proposal in a somewhat more attractive, democratic form, but still essentially the same.

Sir, it is very difficult to convince these very dear delightful people that if you give one community weightage, you cannot create weightage out of nothing. You have to take it from somebody else. When they discover that they become confused, indeed, and find that they are up against a brickwall."

Mr. H. N. Brailsford, a great political thinker of modern England, gives his considered opinion about the problem of communal representation in *The Nation*. He says: "The advances will be perilous and unhappy unless the new constitution brings with it the reality with the forms of democracy."

"On one condition there ought to be no hesitation. Parliamentary institutions cannot function on the basis of separate communal electorates. While these remain, no stable parties can be formed nor can the electorate be trained to vote on the social and economic issues which clamour for constitutional handling. If the Muslim diehards veto any voluntary settlement with the Hindus, the British Government must be prepared to dictate. That way out of the 'impasse' even the Muslims in their hearts might welcome. So much, in a talk, which I had at Delhi, their ablest leader confessed. Back and forward we had argued when at last he startled me by blurting out. A Government should govern. You all believe in a single electorate, why do not you impose it? With this one

change the possibility of genuine democratic Government would begin for India. Parties would be driven to seek support for programmes, where to-day it suffices to appeal to religious prejudices."

Again, "The absorbing concern of each communal party is to secure for its own coreligionists as high a proportion as possible of jobs, large and small, ranging from ministerial portfolios down to the humblest appointments in the Police, the Post Office or the Railway. Where entry is by examination, the struggle is transferred to the schools and colleges; and Muslims who are in the mass rather poorer and much worse educated than Hindus, will fight to secure the reservation of a fixed percentage of places irrespective of merit, in every Government training college. Not must there be Muslim member in every ministry; one-third of the students in the veterinary college must look to Mecca for salvation."

Sir, thus communalism not only gives a deathblow to the democratic character of the legislature but it also affects administration. With communal electorates there can be no responsible Government, but it will be only a communal Government and the legislature, a mere collection of communal blocks, in place of parties formed on national, social or economical issues. Such a course will only lead to civil strife and will result in wrecking the economic system on which the trade and commerce of the province depend.

The Hindus as a nation are against communal electorates. The Indian Christians have condemned it in no uncertain terms. The better mind of Islamic India, the nationalist Moslems are opposing it consistently and forcefully. So it is in the interest of all as well as for good Government that the electorate should be joint. With these words I support the resolution moved by my esteemed friend Maulvi Abdus Samad.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, for one who has always been on the side of communal amity and peace, it is very difficult to resist the temptation of speaking in support of the resolution. In moving the resolution, Maulvi Abdus Samad exhausted all possible arguments that could be advanced in favour of a system of joint electorate. But to be consistent with the principle which I have hitherto followed in matters like these, I would have more welcomed the proposition if it contained any suggestion about reservation of seats.

I regret I cannot see eye to eye with Maulvi Tamizuddin Khan when he says that the introduction of a system of joint electorate with reservation of seats will be tantamount to separate eletorates. Reservation of seats is necessary in order to safeguard the interests of the minority community. Here in Bengal, the Hindus are the minority community. So it passes my comprehension as to why my Moslem friends should fight shy of a system of joint electorate which it is but natural for the minority community—the Hindus—to object to.

To my mind, the idea of separatism and communal exclusiveness cannot be banished from the land unless there is a provision for joint electorate in the future constitution of this country. To urge the continuance of separate electorates would be to perpetuate communal discord and disunion which has since 1926 been very much in evidence and has cast an indelible stigma on the fair name of Bengal. Communal riots were unknown in this province prior to the inauguration of the Reforms under which the system of separate electorates for the different communities was brought into existence.

Sir, I am surprised at the attitude taken up by my friend Maulvi Abul Kasem, for aught I know, he takes pride in being a staunch follower of the late Sir Surendra Nath Banerjea who, it will be admitted on all hands, was the father of Indian nationalism. Mr. Abul Kasem was a prominent Congressman in those days and it is astonishing, indeed, that of all persons, he should be a party to a question which seeks to cast to the winds the essential conceptions of nationalism.

Sir, in the popular interest as well as in the present circumstances of the country and for the proper working of the coming Reforms which, let us hope, will see the light of day at no distant date, a system of joint electorate is essential.

In conclusion, I fervently appeal to all groups and sections in this House to accord an unstinted support to the resolution which has been so ably moved by my friend Maulvi Abdus Samad and thus demonstrate to the outside world that in a vital matter like this and in this critical juncture of the country's history, we can be unanimous in our recommendation which is calculated to be of great value at a time when the fate of the people of Bengal is trembling in the balance.

6-30 p.m.

Dr. AMULYA RATAN GHOSE: Sir, I have no hesitation in supporting Maulvi Abdus Samad's motion on the floor of this House. Maulvi Abdus Samad has tabled a motion which is a very necessary thing for introduction in our province, and I would add to the congratulations which he has already got from the prominent members of this House. The fact is that joint electorate is a thing which will do away with communal bickerings which we have been experiencing *ad nauseum*. In my experience I have seen that communal electorates are the root causes of communal fights in the province. In my little experience I have seen that according to the Montagu-Chelmsford Reform there are separate electorates for Muhammadans. I have seen and have seen with much regret that among the Muhammadans those who could preach the worst form of communalism, got the largest number of votes. I was, Sir, in the thick of election fights in which there were both Muhammadan and Hindu candidates. I have seen there that those who

could preach the worst form of communalism got the largest amount of support. In those days the Hindus did not fight elections on communal tickets. Those who fought on communal tickets had to admit defeat at the hands of those not standing on communal tickets. But amongst Muhammadans with a very few exception those who stood on communal tickets, carried the day. (Question!) Of course there is a voice of question raised. I would ask the hon'ble member to go through the results of the polling throughout the province and I am sure I shall be able to prove my contention with facts and figures. Then, Sir, I have been a municipal commissioner in Howrah for a very long time where there is joint electorate. So far as elections are concerned, there has been no fighting between Hindus and Muhammadans there. I have always taken the opportunity of taking a Muhammadan colleague of mine to fight elections in my ward, because I know very well how easy and better it is to be elected without communal ticket and on a joint electorate basis. It is a much better thing. The result is practically this: if I want the whole-hearted support of Muhammadans, I must not refuse to help the Muhammadans or go against them. So also in the case of Muhammadan candidates; if a Muhammadan candidate wants the vote of Hindu electors, he cannot go against Hindu interests or whatever it may be. Therefore, Sir, in the interest of the nation, joint electorate is the best thing that we can think of in the circumstances.

As regards communal electorates, I would mention one instance only and that will be a proof positive of its evil effect. In the year 1926 when the streets and lanes of Calcutta were besmeared with the blood of Hindus and Muhammadans, the other side of the river—Howrah—was safe. There was not a single communal riot there, I think, because there was joint electorate, so far as municipal elections were concerned, while in Calcutta there was separate electorate in the Corporation. I think, Sir, that is the reason why so much bloodshed occurred in Calcutta in 1926, while Howrah was free from such feuds. I, therefore, wholeheartedly support the motion of Maulvi Abdus Samad.

As regards the amendment of my learned friend Maulvi Tamizuddin Khan, I would say that special seats are special seats which could be held by Muhammadans, Hindus, Christians or any other classes. Nobody knows whether a Hindu or a Muhammadan will come to protect the interest of commerce; nobody knows whether a Hindu or a Muhammadan will come through the University. So we need not touch that point. There should be joint electorates for the special seats.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, it does immense credit to my friend Maulvi Abdus Samad to have brought forward his motion and our thanks are also due

to my friend Maulvi Tamizuddin Khan for the amendment to this motion which has rendered it more practical and suitable for the occasion.

I regret to say that all the members beginning with the mover himself, who happened to speak on this occasion, made the Moslem community the sole target of their attacks in connection with the system of separate electorate. The system has also been held responsible for all the communal clashes and riots. But although we do not consider it to be the only cause of these troubles, this much is certain that it is a stumbling block in the way of establishing the democratic form of government.

Though the Moslem community has been made to bear the brunt of the criticisms levelled against separate electorate, yet the fact remains that other communities have also profited by it. It is the system of separate electorate which has made it possible for the representatives of the European constituency to occupy a corner of this Council and which has enabled the Landholders' Association to return five members, none of whom are Moslems and the commercial interests many more still to the Legislative Council.

Prior to the introduction of the Mont-Ford Scheme the members of the Moslem community were perfect strangers to the electioneering tactics, so much so, that they had not the least idea as to the meaning of the term "Vote". But within the ten years that have since elapsed they gathered sufficient experience from the local and union board elections about voting and all that it means. If arrangements are now made to record the vote of every adult individual through joint electorate, I do not think that the numerical strength of the Moslem members in the Council will fall much below those of other communities.

I, therefore, support this motion."

6-45 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: I move that the question be now put.

Maulvi ABDUL HAKIM: I rise to a point of order. Can I not move my resolution No. 39 at this stage?

Mr. PRESIDENT: We are not concerned with that at this stage. Only one resolution and two amendments are before the House. You can speak on them.

Maulvi ABDUL HAKIM: Sir, I rise to support the motion moved by my friend, Maulvi Abdus Samad. Much has been said by my friend about the subject matter of this motion. I do not like to waste the

valuable time of the House by reiterating all the points that have been discussed a few minutes before. I want to say a few words especially to convince those of my colleagues of this Council who fear that joint electorate will be injurious to our province; separate electorate is anti-national and inconsistent with responsible form of Government as my friend has said just now. It is joint electorate alone which will produce real and honest representatives among our mass people. Nothing but joint electorate will be able to remove communal quarrels between the Hindus and the Muhammadans and unless the communal quarrels are removed, nation-building work will be impossible in India. (Hear, hear!) Separate electorate is the machinery which produces communal leaders and it is these communal leaders who are retarding the real improvement of the wretched cultivators of Bengal. I cannot understand why many Muhammadan leaders fear that joint electorate will be injurious for our community. Muhammadans are in an overwhelming majority in three divisions out of five divisions in Bengal, and in these three divisions, *i.e.*, Dacca, Chittagong and Rajshahi, the Muhammadans are in overwhelming majority and as the population in these three divisions is much larger than that of the other two divisions, number of seats in the legislature for those three divisions will also be much more than the number of seats which will be allotted for the remaining two divisions. Hence it is as clear as day light that Muhammadans may easily occupy the majority of seats in the Council even if no Muhammadan member is elected from the Hindu majority districts of the Presidency and Burdwan divisions just as they are doing in local boards in Muhammadan majority districts of the province. From the report of the Franchise Committee it appears that Muhammadans will get minority of seats in the coming autonomous Council, and if the British Parliament decides our fate according to this report, Muhammadans will be doomed to a minority of seats for ever. I, therefore, advise those Muhammadan leaders not to support separate electorate in the legislature of our province to the utter prejudice of our community. In supporting joint electorate, I cannot but oppose the introduction of special constituencies in our province for the self-same reason that this system is equivalent to a separate electorate and will produce the same disastrous results as the separate electorate does. It is a gospel truth that separate electorate has done no good in the past and will also do no good in future to the dumb, wretched, and benighted cultivators of Bengal and I think the welfare of the cultivators is the welfare of India. (Hear! hear!)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I have very little time at my disposal to speak on this subject. But it is a very important resolution and I think I should say a few words on it, notwithstanding the little time that is left to me. Sir, the question before

the House is whether in the future constitution there should be a joint electorate or a separate electorate. I know that we are not always sincere in our speeches. My friend, Mr. B. C. Chatterjee, was quite right when he said that if there is joint electorate, Muhammadans who form majority of population in East Bengal would come in large numbers from there. But they would be unable to come in large numbers from North Bengal and West Bengal where they are in the minority. Some of the people are under the impression that if there is joint electorate, Hindu members from all parts of Bengal will come in greater numbers; but my friend Mr. Hakim who has just spoken says that if the Moslems of Bengal will agree to joint electorate, they will have a clear majority in the legislature. He may be right or he may be wrong. But when we consider the proposal from the moral point of view, my opinion is that everybody, whether he belongs to a minority community or a majority community, ought to have some representatives of his community in this House. So far as I remember, I asked Legislative Secretary for a copy of Mill's Representative Government. Unfortunately it is not here; so I have to speak from my memory. There you will find the opinion of one of the greatest political philosophers of the world on Representative Government. But what is his opinion? It is that everybody, whether he belongs to a minority or a majority community, should have the right of sending some representatives to the Parliament, and the majority will rule there. But the majority should always take care to know what are the views and opinions of the minority communities. The representatives of the minorities will express their opinions before the majority community and the majority party having known their minds should try their best to give effect to them.

Mr. PRESIDENT: I am very sorry to interrupt the Nawab Sahib, but I shall have to adjourn the Council now. He may continue his speech to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 2nd August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 2nd August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 110 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Patni Taluks Regulation.

*10. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the necessity for amending the Bengal Patni Taluks Regulation has been recognised by the Government for a long time?

(*b*) Is it a fact that the Government while opposing the Bengal Patni Taluks Regulation (Amendment) Bill, 1931, introduced by Babu Kishori Mohan Chaudhuri, stated that the Government intended to introduce shortly and if possible even in this session, a Bill purporting to give necessary relief to the *patnidars*?

(*c*) Will the Hon'ble Member be pleased to state whether the Government have already taken steps in the matter?

(*d*) If so, when is such a Bill likely to be introduced in this Council?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Government have agreed to amend the regulation although it is not quite correct to say that necessity for amendment was recognised by the Government for a long time.

(*b*) Yes, Government have agreed to introduce a Bill providing that sales may be set aside on payment of compensation by the defaulting *patnidar*.

(*c*) Yes.

(*d*)) Government have consulted the High Court, the local officers and certain associations. When their replies are received they will be considered. A meeting of the Standing Committee has been called to consider the principles of the Bill. It is expected that the Bill will be introduced at the next session.

Babu HEM CHANDRA ROY CHOUDHURI: Am I to understand that Government agreed to amend the regulation in spite of the fact that there was no necessity for it?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers.

7. Babu LALIT KUMAR BAL: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many process-servers who completed 30 years' service have been granted extension this year in the districts of Howrah and the 24-Parganas?

(*b*) Is the Hon'ble Member aware that in the district of Bakarganj—

(*i*) a large number of process-servers are going to be discharged on reduction of the junior staff; and

(*ii*) that there are many in the old staff who are due to retire?

(*c*) Will the Hon'ble Member be pleased to state whether he has received any petition implicating the District Judges' *sheristadars* as being the instigators of these extensions and reductions?

(*d*) If the answer to (*c*) is in the affirmative, what action, if any, do the Government intend to take in the matter?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Howrah—Nil; 24-Parganas—8.

(*b*) (*i*) Yes.

(*ii*) All process-servers above 60 have been retired.

Process-servers between the ages of 55 and 59 have also been served with notices of discharge.

(*c*) No.

(*d*) Does not arise.

A process-server of the Bongaon civil courts.

8. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a process-server of the Bongaon civil courts was slapped by some ministerial officer of the local court for refusing to prepare his *chilum*?

(*b*) Is it a fact that the assailant has been punished by the criminal court?

(*c*) Has the Hon'ble Member taken any action on this case against the said ministerial officer for disobeying the J—D Circular No. 71-93, dated the 27th May, 1931? If not, why not?

The Hon'ble Mr. R. N. REID: (*a*) A civil court clerk was found guilty by a criminal court of assaulting a civil court peon in September, 1931.

(*b*) Yes.

(*c*) No.

Pensions to the process-servers and other inferior service men.

9. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a scheme for revising the rules for granting pensions to the process-servers (along with others of the inferior service) has, of late, been sanctioned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the scheme will be given effect to?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) The member is referred to the answer given to the identical unstarred question No. 4 asked by Maulvi Hassan Ali at the meeting of the 1st August, 1932.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state whether he is aware that the rate of pension which the process-servers are entitled to get was fixed no less than 30 years ago when the process-servers used to get Rs. 8 a month?

The Hon'ble Mr. R. N. REID: I would ask for notice.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of general public interest).

[The discussion on the resolution regarding joint electorate for future constitution was then resumed.]

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I was in the midst of my speech when the House adjourned last evening. I wanted to make out the case that every measure must be tested before it can be placed before the country and the test must be through the principle of morality. In this case, Sir, I wanted to show that when our Hindu friends were speaking on this question they were thinking that they would use their communal votes for returning their representatives to the House and thereby secure a majority. I want to be more clear. When our Hindu friends of West Bengal who have got a clear majority use their communal votes, they will get a complete monopoly of the seats in West Bengal and my Muhammadan friends of East Bengal also believe that by using their communal votes they will also obtain a clear majority. What I want to say is this: if you want to have a legislature to which the Executive will be responsible, it is for the good of the country that that legislature must have in it the representatives of all sections of the people. My friend, Mr. B. C. Chatterjee, said yesterday that the general feeling in Bengal or the whole of India is this—I hope he has the authority to speak on behalf of Bengal—If Muhammadan majority wants to rule the country, it will not be liked by the Hindus. If the Hindus by their majority like to rule this province, the Muhammadans will not agree to that. So you have all these admissions before you. I would ask you, therefore, whether in view of these admissions you would in future trust your neighbour, the majority neighbour, and would like to leave your destiny in their hands without any representative of yours to watch your case. I would ask you not to do so, because if you leave your destiny in the hands of a hostile majority, that hostile majority will go against your interests and will crush you. The one guiding principle that is now prevailing throughout the world is to rob others to benefit oneself. We often see that if an Englishman can get something out of a German, he tries to do it, though we are all human beings. I repeat that the one guiding principle is how best you can benefit yourself by robbing your neighbours. That being the condition of affairs throughout the world, I am not prepared to leave my destiny in the hands of the hostile majority. I should prefer in that case to have my own representatives to look to my interests than a hostile majority. So, Sir, that

being the state of affairs at present, I am not prepared to see that my case goes by default, being left in the hands of a hostile majority. Therefore, my community feels that a separate electorate will solve the problem. Some of my friends have spoken a lot for joint electorate. Of course, they may have got a higher knowledge of politics, of law and all other matters and they have also talked a lot about nationalism, democracy and so on and so forth. I am, however, a layman, a business man, having very little to do with democracy or nationalism. But as far as I can understand the matter, the position is that if I cannot rule myself, somebody must rule over me—who that somebody will be is the question. What I want is that the man who will rule over me must be one who will have some regard for my feeling. If you say that the hostile majority will rule over us, they will decide everything in their own way and there will be no code of morality to control the hostile majority. Then how the world will go on I do not know! My friends believe that democracy is imperilled by adoption of separate electorates. If you would permit me, Sir, I would just like to read an extract from John Stuart Mill's book on Representative Government.

Mr. PRESIDENT: Is it the latest edition? (Laughter.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: This is what I have got from your office, and I think that your office must have a copy of the latest edition and I think I can rely upon it. This is what he says: "The confusion of ideas——

[Here the member reached his time-limit.]

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, it is a very important subject and should not be lightly taken up by the House.

Mr. PRESIDENT: I think it would be better for you if you ask the members to read the book when they go home. (Laughter.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Very well, Sir, I would ask my friends to read the book. (Renewed laughter.)

3-15 p.m.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I rise to give my whole-hearted support to the resolution so ably moved by my esteemed friend Maulvi Abdus Samad. All true lovers of their motherland should look ahead at this most important period in the history of India. India is passing through most trying times—her greatest sons are rotting within the prison bars for holding advanced views about the political emancipation of their motherland. It was a matter of eternal

shame that a section of our countrymen should play into the hands of the opponents of Indian aspirations at this supreme hour of India's trial. The virus of communalism is having its disastrous effect all around us. It is sapping the foundations of Indian nationalism. In the words of Sir Currimbhoy Ebrahim, I should like to say, pray do not "throw away the opportunity of a life-time in not presenting a united case at a critical juncture in the country's history". Communalism will "go counter to all principles of democracy and if embodied predominantly in any constitution will take no time to turn a peaceful community into a camp of warring communities". The disgraceful scenes enacted at Bombay, Cawnpore, Dacca, Chittagong and other places gave ample manifestation of the evils of communalism. It has been admitted in the Montagu-Chelmsford Report that "Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to come. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves, it will find difficult to meet the charge of being hypocritical or short-sighted". As to the protection of minorities, the report observes: "A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority." I should like to refer those who want separate electorate for Bengal to the concluding portion of paragraph 23 of the report: "We see no reason to set up communal representation for Muhammadans in any province where they form a majority of voters." Separate electorates cannot help the growth of a national spirit. This is what the Prime Minister said in the course of his speech in the House of Commons on 25th January, 1931: "In this way then, before any election took place, it would be perfectly certain that Church of England people would have, say, 15 per cent. of seats. Here the working class, say, 25 per cent., and so on. That is the simplest and crudest form of claim that is made on behalf of various communities. That means that if every community is to be ear-marked as to community or interest, there will be no room left for the growth of what we consider to be purely political organizations, which could comprehend all communities, all classes and all conditions of faith." That is one of the problems which has to be faced, because if India is going to develop a robust political life, there must be room for national political parties based upon conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India. Then there is modified proposal regarding that. A proposal is made that there should not be community

constituencies with a community register, but that there should be a common register in the constituencies, but that with that common register a certain percentage of representation should be reserved for certain communities. It is the first proposal in a somewhat more attractive democratic form, but still essentially the same. Another problem which faces us from that point of view is that if your legislature is to be composed in these water-tight compartments—these community-tight compartments,—how are you going to appoint your executives? The claim is put in that the executive, that is, the administration and the cabinet, shall also be divided into water-tight compartments. The crux of the problem has been very clearly and lucidly explained by the Prime Minister. The success of this great experiment depended on the organisation of a party system with definite programme and principles. Communal electorate is bound to stand in the way to the evolution of a party system. Communalism will, on the other hand, help to set up community against community. There will thus be an end of unity and harmony between the two great communities. Parliamentary Government based on separate electorates on communal lines will be no better than a mockery of self-government. Disunion and internecine quarrels will sap its very foundation. It was, however, a hopeful sign of the times that all of my Moslem brethren are not actuated by selfish communalism. There are men in that great community like my friend, the mover, and a host of others who want to lay the foundation of *Swaraj* India in unstinted nationalism. Communalism finds no place in their noble hearts. I hope their words of wisdom will not fall on deaf ears but will be emulated by their co-religionists. Moslem youths of Bombay have resolved not to rest content till their country's freedom is attained and communalism has been wiped out. The Moslem youths of Bengal, I hope, will not lag behind in crushing down narrow communalism which is getting the upper hand in that community. Your ancestors might have migrated from far off Irak, or the land of dates or of Bussorah roses—you may have glorious traditions at your back, but you are the children of Mother India—born, bred and brought up amidst the same surroundings and under the same climatic conditions. The two great communities—the Hindus and the Moslems—were bound to each other by happy and cordial village relationship until a few years ago when interested persons sowed the seeds of communalism to serve their selfish ends. These have begun to bear fruits containing the most deadly poison, which has culminated in internecine quarrels and the cutting of each other's throat. They seemed to have forgotten that there is a third party in the game who are enjoying the fun in the hope of reaping a rich harvest and take full advantage of our disunion. Separate electorate would be subversive of the growth of true nationalism. Pray do not cut at the root of nationalism even if it be on sentimental grounds. Do not put back the hands of progress for selfish ends. Extend your vision to the great future which lies ahead,

let not posterity curse you. There was no harm in being a good Hindu, a good Mussalman or a good Christian, but that need not stand in the way in the formation of a homogeneous Indian nationality. After all, remember that we are Indians—all sons of the same bountiful Mother India. I most fervently appeal to my brethren,—be he a Hindu, Mussalman, Christian, depressed or oppressed,—to sink their differences at this critical juncture and make a common cause to secure their rightful place in the Comity of Nations. *Bande Mataram.*

Mr. W. H. THOMPSON: I shall not waste much more than two minutes of your valuable time, Sir. This discussion has developed into an academic discussion in which Hindus and Muhammadans have given their various opinions on the question of communal electorate, and there is no reason, no particular reason, why, on behalf of this group, I should intervene. But I was very much surprised at one thing yesterday: the reception of Maulvi Tamizuddin's suggestion of universal adult suffrage. All the speakers seem to have accepted the ideal of one man one vote, to have looked upon universal suffrage as the goal to which England has been striving and has ultimately reached, and to imagine that that is the goal at which every country to-day should aim. But, Sir, I am not by any means sure that England is too pleased with that goal now that it has been reached. Vote-catching is the pitfall into which politicians in England, as everywhere else, fall. All votes are not equally difficult or equally easy to catch, but their true differences in importance are not reflected in that. The point rather is that a vote is an expression of opinion, and all opinions are not equally valuable. There does seem to be a turn in the world's thought in a direction against the assumption that every vote, whether cast with knowledge or without knowledge, is to be given equal value. In England, where institutions change very slowly, it is at present only talk, but in Russia, for example, the idea has found very practical expression. Nobody in Russia has a vote unless he belongs to a Soviet, that is, unless he belongs to the Communist Party and has presumably a certain acquaintance with the teachings of Karl Marx and others. In other words, the voter in Russia qualifies himself for his vote by acquiring the knowledge of certain political theories. The same sort of idea is behind the Fascist movement in Italy, and very much more definitely behind the Kuomintang (or however it is pronounced) in China. I do not think that it is altogether impossible that in the future we may find political organisations even in England, giving direction to some movement which will give due weight to the vote which is cast with knowledge behind it. I do not know how it will be done, Sir, and the only contribution that I wish to make to this debate is to suggest that the ideal of universal suffrage is of doubtful quality.

3-30 p.m.

Mr. W. L. ARMSTRONG: Maulvi Abdus Samad has painted a wonderful word picture of the glories of joint electorates. His canvass has been retouched by several members, but neither he nor they have been able to wash out the dangerous vermilion hue so prominent in the foreground.

Mr. Samad argues in his resolution that the system of *separate* electorate is "highly prejudicial to the interests of the minority communities". Perhaps in his reply he will explain that the total extinction of representation of minority communities is for the good of those communities. Yet that is to be the obvious effect if his resolution were adopted in the new constitution.

I speak on behalf of the English community and have before me a copy of a much discussed and criticised document entitled "Report of the Indian Franchise Committee". The committee who issued that report have arrived at one outstanding sane conclusion at least when they state:—

"A complete and detailed scheme for the composition of each of the provincial legislatures must deal with the representation of the Europeans, the Indian Christians and the Anglo-Indians. With the possible exception of the Indian Christians in parts of Madras, none of these communities could secure representation in the provincial legislatures through the general constituencies."

Call them general constituencies or joint electorates, it was apparent to a committee composed of Englishmen and Indians, Members of Parliament, Members of the Legislative Assembly and of the Provincial Councils, that under such system of election none of the Europeans, Indian Christians or Anglo-Indians could secure representation with the possible exception of parts of Madras.

Under a system of separate electorates, the English community have representation, but in Maulvi Abdus Samad's picture we have none. If ever that artistic portrayal of his is hung in the galleries of Indian administration, may he have the good grace to foot it with the inscription "The spider and the fly"?

Mr. Samad asks why should a Muslim majority insist upon power over an unwilling Hindu minority. Then why over the English minority? I have read much and heard much vilification of British administration in India, and yesterday we were described as the enemies of Indian freedom. There are different conceptions of freedom. A sample was voiced by no less a personage than Bal Gangadhar Tilak

when he said: "We may kill even our teachers and our kinsmen and no blame attaches if we are not actuated by selfish motives." Again there is the freedom expressed by Gandhi, freedom from western civilization, when railways and hospitals will be destroyed. But supposing India got permanently severed from British influence to-morrow, would Bengal be free? Endeavour by all the casuistry and reasoning power we can for the support of other provinces, for the adjustment of Bengal's financial contribution to the centre and see where Indian nationalism exists.

We have been termed British die-hards. Perhaps it will be instructive if I explain what that term implies. In 1811, at the battle of Albuera, Colonel Inglis, the Commander of the 57th Foot Regiment, when they were being hard-pressed, called out to his men "die hard, my lads die hard" and they did die hard. One officer out of 24 survived and only 168 men out of 584. The banner was pierced with 30 bullets. That fine regiment has since become the West Middlesex. And who would be ashamed to be a British die-hard? I do not know what term this Council would apply to the Congress party asking for all or nothing. On the other hand, we have asked for co-operation and a sense of responsibility which has not been forthcoming in that quarter.

I have already mentioned that we have been styled yesterday as enemies of freedom and in view of what has been expressed in many speeches in the past I can only call them empty assertions and will not raise them to the level of argument, but it might save the time of this House and discourage such statements and it might be instructive to this Council if I now state what other people think of us. No less a person than Dadabhai Nauroji in his presidential address at the 2nd session of the Congress in 1886 made the following definite statement:—

"Coming down to the later Empire of our friends, the Muhammadans, who probably ruled over a larger territory at one time than any Hindu monarch, would it have been—even in the days of Akbar himself—possible for a meeting like this to assemble composed of all classes and communities, all speaking one language and all having uniform and high aspirations of their own. . . . . It is under the civilising rule of the Queen and the people of England that we meet here together hindered by none, and are freely allowed to speak our minds without the least fear and without the least hesitation. Such a thing is possible under British rule and under British rule only." He goes on to say: "Were it not for these blessings of British rule, I would not have come here to-day, as I have done, without the least hesitation and without the least fear that my children might be robbed and killed in my absence; nor could you have come from every corner of the land, having performed, within a few days, journeys which in

former days would have occupied months. These simple facts bring home to all of us at once some of the great and numberless blessings which British rule has conferred upon us."

Again I would quote what Mr. Taft, *ex*-President of the United States of America, has said on British administration in India. He said that his experience in the Philippines forced him to study the British colonial system, and the marvellous accomplishment of the Imperial Government in spreading civilisation over the world. . . . . "But for English enterprise, English courage, English sense of responsibility in governing other races, human civilisation would have been greatly retarded. When I think of what England has done in India for the happiness of those people, how she found those many millions torn by internecine strife, disrupted with constant wars, unable to continue agriculture or the arts of peace, with inferior roads, tyranny and oppression, and when I think what the Government of Great Britain is now doing for these alien races, the debt the world owes England, ought to be acknowledged in no grudging manner. . . . . ."

Col. Roosevelt, another former President of the United States of America, said: "In India we encounter the most colossal example history affords of the successful administration, by men of European blood, of a thickly populated region in another continent. It is the greatest feat of the kind that has been performed since the break up of the Roman Empire. Indeed it is the greater feat than was performed under the Roman Empire. . . . . It is easy enough to point out shortcomings, but the fact remains that the successful administration of the Indian Empire by the English has been one of the most admirable achievements of the white race during the past two centuries. . . . . There has been a far more resolute effort to secure fair treatment for the humble and oppressed during the days of English rule in India than during any other period of recorded Indian history."

Britain has originated and spread western science, the development of industry and social weal. Look at the net-work of the railways for the transport of our needs, for the conveyance of people from province to province and for the distribution of food and when famine unfortunately overtakes distant areas. It is to the British administration and enterprise that we owe the introduction and expansion of a vast post and telegraph system. In engineering, civil, structural, mechanical, electrical and mining, we have provided the pioneers. We have been associated with the erection of much-needed hospitals and for the introduction of sanitation on large scales. We have brought you into contact with a world language which means India being in touch with the rest of the world. . . . . With these blessings and on the evidence of two *ex*-American Presidents, the evidence of Dadabhai Nauroji and the evidence of most Indians in their heart of hearts I

stand here proudly to assert the greatness of British administration and should occasion arise again when I hear that administration defiled I claim the right to raise my voice and protest, belonging as I do to the greatest race of colonists that modern history has known.

3-45 p.m.

Mr. A. F. RAHMAN: Sir, I would like to approach this problem in a different light without taking much time of the Council by making a long speech. I congratulate Mr. Abdus Samad on having the courage of the conviction of other people. His voice seems to be a faint rallying cry long after the battle is ended—for if he has followed the debate on his motion yesterday, he must have been disappointed at the cleavage of opinion that it has revealed. Even those who advocate joint electorates, including Mr. Tamizuddin (the mover of the amendment), want it each in a particular way, with or without reservation of seats, retaining or abolishing special constituencies. Mr. B. C. Chatterjee and the Raja Bahadur of Nashipur both base their case on practicability. Mr. Chatterjee recognises the present unhappy position between the two communities and pleads for a fifty-fifty basis with reservation of seats, whereas the Raja Bahadur blesses the principle of adult suffrage from a distance, but rejects it because it is not practicable, and, true to his order, would retain special constituencies. If principles, therefore, are altered at the call of expediency, I suppose you will concede, Sir, that Mussalmans also have a right to suggest that assuming all the good things have been ascribed to joint electorates; in the present circumstances it would not be expedient, it would not be practicable, to impose a system of electorate about which there is such a difference of opinion among both communities. And what is the foundation on which the case for joint electorates has been built up? I listened very carefully the debate yesterday and it seemed to me that only two reasons were put forward, *viz.*, that separate electorates strike at the root of responsible Government and that this system perpetuates communal antagonism. Let us take the first objection. It is true that responsible Government means that the Government should be responsible to as large a proportion of the people as possible and this is the strongest argument in favour of adult suffrage; but what constitutes a people? Merely living in an area does not constitute a people. If that were so, the provincial boundaries of India would cease to exist. Again, Sir, this principle of responsibility has produced the expedient of representative Government and in this scheme of things, an electorate is merely a device to reflect the will of the people. Would it very seriously jeopardise the evolution of nationalism and the principle of responsible Government if you had separate devices for reflecting the will of distinct people—of people who live in a particular area but each

proud of his own religion, culture, tradition and history? The system of election that we have in force, that we propose to have, does it accurately reflect the will of the people always? Elections in England have furnished illustrations that even though Labour may have sent the largest number of voters to the poll, the Government has been Conservative. So is the case in Germany and at present it is suggested that the existing method of election should be scrapped and a more accurate method substituted.

Let us take the second objection that separate electorates have been responsible for the perpetuation of communal antagonism. After the Lucknow Pact, which conceded separate electorates and the introduction of the Montford reforms, the world was amazed at the spectacle of Hindu-Moslem unity during the beginning of the non-co-operation movement in 1920-21, and during the subsequent years, at the undisputed leadership of Mr. C. R. Das and his famous pact; but what happened that the two communities began to fall away so that to-day we despair of unity. I could adduce several reasons for this debacle, but I would not like to further embitter feelings. But at the same time it is no use denying the intensity of feeling between the two communities, at any rate, over this question of electorate. I maintain that it is the experience of every member that Bengal is singularly free from communal clashes during a general election; if communal passion is raised, it is localised within a community. On the other hand, where there is joint electorate, the appeal of a candidate is invariably to his community—voting is on communal lines; and this is my experience that it leaves bitterness behind. When advocates of joint electorates offer this temptation that where the Mussalmans are in a majority they will be returned in overwhelming numbers, they are thinking in terms of communal representation.

The differences that divide the communities are fundamental and it is difficult to believe that the imposition of a mechanical device like a single ballot box for all communities is going to obliterate them. The demand for self-government is in essence a struggle for political power and it is better to recognise frankly like Mr. B. C. Chatterjee, the nervousness of the less advanced community and instead of insisting on an unwilling fusion of communities, it would be better to advocate a willing partnership in the stupendous task of building up a country's future history.

Babu AMULYADHAN RAY: Sir, I would have been very much glad to support the resolution of my hon'ble friend Maulvi Abdus Samad had it been, and had I been, in any other country than our own. I say with a full sense of responsibility that all that the hon'ble mover has said will not apply to India as at present. India is a peculiar country

under the peculiar administration of the Almighty Who becoming less mighty and less powerful, yields to separate men-made legislation and different regulations between man and man. I mean Regulation IV of 1809 passed by the Governor-General in Council on the 28th April of that year debarring many castes of the Hindus from entering the holy temple of the God Jagannath at Puri and the history of more than one hundred years has made no change whatsoever. In a country where separate legislation is required between man and man, separate hostels and boardings bearing the names of Hindu hostels and Hindu boardings, do not find any place for all classes of Hindus, where all the privileges and advantages secured in the name of the Hindus are enjoyed by a certain section of them, where mutual distrust between community and community, hatred between man and man, plays the most important part and the caste system is the steel frame of the Hindu society, separate electorate is the safest—not only safest but the surest method of proper representation. Having regard to the present condition of the land of our birth, there will be nothing wrong in a person if he claims not only separate electorate between the Hindus and Muhammadans but 200 electorates—one for each caste of the Hindus. With due reverence to those hon'ble members who painted black Dr. Ambedkar yesterday as an avowed enemy for supporting separate electorate for the depressed classes in the Round Table Conference, I will tell them to-day in clear terms that Dr. Ambedkar ably and truly placed the view-point of the depressed classes and when a certain section of our countrymen found that all the privileges and advantages hitherto enjoyed by them in the name of the people were going to be affected, their heads were turned and they not only began to criticise Dr. Ambedkar and other representatives of the depressed classes, but also began to send bogus telegrams after telegrams to Whitehall falsely alleging that the depressed classes not only support joint electorate but also denounce the representative character of Dr. Ambedkar. It has been said on the floor of this House that separate electorate is against the interest of the backward classes. My reply is that it is not against the interest of the backward classes; but it is against the interest of those who cry the loudest. I heard yesterday that communal riots and communal disorders are due to separate electorate; but I shall ask the hon'ble members of this House to-day—is it due to separate electorate or mutual distrust between community and community and hatred between man and man?

Joint electorate in India as at present—India not being a homogeneous country but a continent of heterogenous elements—does not mean due and proper representation of the multifarious Indian people having diverse interests clashing with each other; but it means not only the monopoly and preponderance of certain castes in legislatures, but also it will turn into Brahmanical oligarchy. It is a country where even the public newspapers preaching the gospel truth of equality and nationality

in their outward show are so much biased and one-sided that even what are said in this House of liberty, not to speak of outside matters, do not generally find any place in them. They keep the world ignorant of the fact that there is another view contrary to theirs. Joint electorate was introduced in this country long before separate electorate came into force, and it has done no good at all. Look at the municipalities, district boards and local boards of Bengal. You will find there the overflow of certain castes. Go to a village within the jurisdiction of a district or local board and you will find where charitable dispensaries and other public institutions are located. Under the joint electorate system during election times the communal bitterness prevails so much that very often the election fails and rioting takes place. The board and staff of all the local self-governing bodies are entirely crowded by a certain class of people. Once I myself was a candidate for election to the Bally Municipal Board, not very far off from this place, and a propaganda against me was started by the so-called *bhadraloks* of the place on account of caste only. Generally speaking, the caste-Hindus in all the districts of Bengal with rare exceptions and with the exception of a few liberal-minded gentlemen in the district of Jessore, could not as yet shake off their caste prejudices which are reflected in political matters and elections. Joint electorate at the present moment will not grow that idea of common citizenship, mutual faith and confidence, but it will fail in the future as it has failed in the past.

Sir, once more I repeat that so long as there is mutual distrust between community and community, hatred between man and man and birth-right is regarded as a quality, joint electorate will do no good to the country, but it will turn into Brahmanical oligarchy. With these words I oppose the resolution.

4 p.m.

Mr. H. S. SUHRAWARDY: Mr. President, I have come to-day from a sick bed to participate in to-day's debate, because the resolution may have far-reaching importance if taken seriously—or it is possible, it is merely academic. But I am rather anxious to know what is going to be the attitude of Government on this resolution. I should like to warn Government—of course Government has made its choice and will not heed the warning—that it will be giving one more example of its pusillanimity if it does not decide one way or the other. Government, I hope, will not consider this as a dispute between the Muslims, the Europeans and the depressed classes, the signatories to the minorities pact on the one side, and the caste-Hindus on the other, and watch the fight from a distance. I think it should take courage in both hands, and decide one way or the other, rather than betray its bankruptcy in politics by sitting on the fence.

In order that there may be no mistake with regard to my attitude in respect of the resolution and the amendment, I may state at the outset that I am opposed to both. I will deal with the amendment first. Maulvi Tamizuddin Khan knows that as a whole the Mussalmans are against joint electorate for reasons some of which I shall detail later, and when he puts forward certain conditions such as adult franchise and abolition of special constituencies which are well nigh impossible, it is merely political tactics and not practical politics. I can warn him as to what will happen. He will be praised for accepting joint electorates whereas his conditions will disappear. His amendment, however, has succeeded in exposing the communalism of our Hindu friends who cannot give up the special electorates and the special constituencies by which they hope to be returned and who yet say that joint electorates are essential in the best interests of the country. Now in dealing with the main resolution I stand on this ground that separate electorates are necessary in the larger interests of the country as a whole; but before I dilate on this more fully, I shall try and capture the fine careless rapture of the legendary days when we used to fall on each other's neck and address each other with endearing epithets. The speeches of Uncle J. N. Gupta and Cousin B. C. Chatterjee stand out prominently for their fine deep sensibility. I hope that after they have listened to what I have to say on the subject, I shall have them as the first disciples of separate electorates, for, it is by that means that their objects will also be fulfilled. I think it must be a grievous disappointment to Uncle J. N. Gupta, and must have disillusioned him so far as the *bona fides* of the Hindu members are concerned to find that they did not accept his suggestion with regard to the abandonment of the special constituencies. The Raja Bahadur of Nashipur while pleading for their retention ingenuously avoided any mention of the landlords' constituencies and pointed out as examples of special constituencies in the Western constitution "the Joint Electorate of Cambridge and Oxford," that returns one member to Parliament. The gallant Rai Bahadur from Dacca started with giving us an account of his *bona fides* and ended with the ingenious argument that special constituencies were necessary for the protection of the minority communities, and the Hindus are a minority community, hence it follows, etc., suppressing the obvious result that these special seats will turn the minority communities into a majority representation in the legislature which will be unique in the history of the world. I do not know where he got this principle from. The weightage accorded to the Mussalmans in the Hindu majority provinces, and to the Hindus in the North-Western Frontier Province and in inchoate Sind, is no parallel. There it is not by special seats for special interests that the number of seats for the minority community are increased. In Assam where the Mussalmans are only 32 per cent. there is no weightage given to the Mussalmans, and I am afraid the Rai Bahadur will have to search for a more potent argument for special

seats in Bengal than the protection of minority communities. I like the spirit of Cousin Chatterjee's arguments; he speaks with fervour, and a genuine conviction; but I am afraid that, repudiated as he has been by his community, I am sure that he does not hope that the Mussalmans will accept his suggestions seriously. There is much to be said for that impalpable psychological feeling that neither community should feel that it is being dominated by the other, although I am on very sure grounds if I were to say that even if the Mussalmans were to get a majority of seats in the whole House, there will be no question whatsoever of their dominating the others. It is almost certain that there will be communal ministries in the six Hindu provinces; but communal ministries in Bengal and the Punjab even if the Mussalmans were to get absolute majority would be almost impossible on account of the strength of the minorities. I can assure Cousin Chatterjee that the Mussalmans will have no objection whatsoever to be ruled by a Hindu majority in Bengal if it is right, if it is proper, if it is honest and if it is fair that the Hindus should have a majority in the legislatures of the provinces where they are in a minority; and that they should also have a majority in the legislatures of those provinces where they *are* in a majority. What the Mussalman cannot understand is that why should his majority in Bengal and the Punjab not be recognised when the Hindu majorities in the other six provinces are recognised. Cousin Chatterjee should agree that though the Hindus and the Muslims may co-operate under the 50-50 conditions, there is a possibility, nay, a probability, of the Britisher keeping the balance, as they have done these several years; and where such a possibility exists, you may be certain that the cheese will eventually disappear. But this is an object-lesson. Whether it is good that the Britisher should hold the balance or not, I will not discuss, but it does expose the hollowness of the sentiments of so-called nationalist Hindu leaders, who would prefer such a contingency rather than their own countrymen, the Mussalmans, who are being appealed to to consider themselves Indians, should have a one per cent. majority in this province in spite of the Hindu majority in six provinces.

We have heard the same old abuses hurled at separate electorates and its protagonists. As an example, I will refer to the speech of Maulvi Abdul Hakim. He says that separate electorate is anti-national, and he copies verbatim the anathemas of the Hindus and of the Congress, and yet he says that joint electorate will give a majority to the Mussalmans in Bengal. Now, that is a thoroughly anti-national sentiment, and I shall try to expose the fallacy of this argument. I can very well sympathise with the Muslim members of Mymensingh, Chittagong, Noakhali and even Faridpur, and generally speaking, of the districts of North and East Bengal, who feel that if joint electorate was established, they will sweep the electorates; but let me give them one warning. Adult

franchise is an impossibility, and it is no use putting down conditions which cannot be fulfilled. Moreover, if the recommendations of the Lothian Committee are accepted in spite of their many obvious absurdities, the Hindus will be converted into a majority community so far as the electorate is concerned. I want Maulvi Abdul Hakim and persons who think like him to ponder over this before they discuss things amongst themselves, and come to decisions without consulting the Muslim community as a whole. Should, however, mass adult franchise be introduced, or such a qualification for voting as the union board, which more or less truly reflects in the voting strength the proportion of the population, I have no doubt that the Mussalmans will have a sweeping majority in the legislature. Floods and famines, and the distress of the last few years have taught them a lesson, and given them the backbone of independence, and a reliance upon God which they did not have in more prosperous days. The necessity of paying to-day that rent which was fixed when jute was selling at Rs. 11 per maund, and paddy at Rs. 4 per maund in these days when jute sells at less than what it costs, and paddy fetches only 12 annas 6 pies per maund in places; the necessity for paying to the money-lender the interest and principal contracted in those days when the price of land was, say, Rs. 200 per *bigha*, in these days when nobody has the money even to pay Rs. 20 per *bigha*, has given the self-reliance which has shattered all the vain prestige of the *zamindars*, the money-lenders and their lawyers. Let us examine the sub-stratum of this argument of Maulvi Abdul Hakim and those of his views. I cannot hope to deflect them from their dream of a Muslim domination, but I must say it is thoroughly anti-national. This argument, was first put forward before the Mussalmans by the Nehru Report to induce them to accept joint electorate and has been endorsed by Maulana Akram Khan. It assumes that a Mussalman must vote for a Mussalman and a Hindu for a Hindu, and hence the Mussalmans will sweep the election in East and North Bengal. I wonder how the protagonists of joint electorate can dare call it national or in the best interests or in the larger interests of the country. Let us see the spectacle of local elections in East and West Bengal. In East Bengal, the Hindus have been practically subdued since the day when the Mussalmans of East Bengal have begun to play the game of the Hindus of West Bengal. In West Bengal where this game has been played for generations, no Mussalman has the slightest chance of ever being returned to any local body. The Hindu has always voted for a Hindu, and not for a Mussalman except in the rarest of cases. This is what the joint electorate has done. It has accentuated communalism tremendously—a most deplorable condition of things. It is said that separate electorates place us in water-tight compartments, while joint electorate will induce the Hindus to go to the Mussalmans for a vote and *vice versa*. This is not so. In the first place we already exist in water-tight compartments. In spite of the endearing terms aforesaid, we lead

different lives, we have a different outlook on life, we do not regard ourselves as one people; and you can see for yourselves how the Hindu predominance in the past has cut the Muslims out of everything. They have been excluded from the administration, from the services, from the general patronage of the Government, from Government contracts, etc. The Hindus have not accepted the Mussalmans as Indians having the same privileges, as they have their co-religionists; and to-day the position is such that we move about and live in water-tight compartments. We lead different lives, we have different outlooks on life, different ideas, and we are unable to understand each other.

Political formulæ will not shatter these compartments, which are grounded apparently on deep sociological and religious foundations. In the second place, the sight of a Hindu candidate seeking suffrage of the Mussalmans and *vice versa* does not materialise. Most of the constituencies are such that the majority community is in an overwhelming preponderance, and consequently in West Bengal, a Hindu can afford to ignore and does ignore the votes of the Mussalmans, and in East Bengal the converse takes place. We have had joint electorates in local boards for generations. Has that broken down the water-tight compartments, and can we expect joint electorate in the Council to do it? Then again the communal cleavage runs parallel with the economic cleavage. The interests of the tenants and the debtors have to be safeguarded against landlords and the creditors, and it seems to me that until all the communal injustices as well as the economic injustices have been rectified, separate electorates ought to continue, for, I cannot conceive that a person returned by joint electorate will ever have that sense of justice which will lead him to rectify these injustices. It is said that we who advocate separate electorates do so because the Muslims are unable to compete. This is unfair. Where the Muslim will vote for a Mussalman, and the Hindu for a Hindu, the question of competition disappears. In East Bengal the Hindu has given up struggling as the Muslims gave up in West Bengal long ago—there is no growth in stature. I, therefore, support separate electorates, not because the Mussalmans need it in order to secure a majority in Bengal by artificial means, but because firstly it will send true and proper representatives, it is the best means of representation, which is the purpose of a responsible Government; neither the Hindus of East Bengal nor the Mussalmans of West Bengal will be disenfranchised; and secondly it will obviate these communal conflicts which are the natural products of joint electorate. The Hindus may believe that with their money and their influence they will be able to take the voters to the poll as against the Mussalman candidate in East Bengal. The Mussalman candidate not having the money to drive the voters to the poll, is bound to retaliate by appealing to the communalism of his electors, hoping that by that means the Mussalmans will vote for him and whether the Hindus like it or not, it is equally important in

the interests of the country that the Eastern Bengal Hindus shall come in, as well as the West Bengal Mussalmans. I cannot really understand how persons speaking in the name of co-operation and better understanding between the Hindus and the Mussalmans give their support to joint electorates.

I am prepared to agree that one of the solutions to the communal question, and probably in the salvation of the country at large, lies in the formation of strong agricultural and labour organisations and diverting the attention of the country from communal interests to class and mass interest, but this is some way off. Neither our Hindu friends who dominate politics to-day, nor the *zamindars* on whom the Government relies for the continuance of its administration, nor the Government itself, for reasons best known to it, favours or can favour the growth of such organisations; hence we can leave that out of practical politics.

Before I sit down, I should like to refer to a good-natured gibe of Mr. J. N. Gupta, when he asked us to think as Bengalis, and act as Bengalis, and not as descendants of Mahmud of Ghazni, or the Conqueror of Ghori. I want to go one better and I wish to appeal to Mr. Gupta not to think as a Bengali but to think as an Indian if he can, and as an Indian, I say, that separate electorates are the best solution for the whole of India and I say that not as a Mussalman but as an Indian that a majority of seats for the Mussalmans in Bengal and the Punjab are expedients for peace and harmony and toleration and goodwill for the whole of India, not because we desire to hold as hostages the Hindus for what they may do in other provinces, but because the very sense of mutual honest treatment which will be necessitated by this expediency to do unto others as you would wish the others should do unto you, will bring about a sense of justice and toleration, which at present seems wanting. To Mr. Gupta I would say that all of us think intensely as Indians. It is perfectly true that our religious interests lie outside India. It is perfectly true that we may grieve with the Arabs of Damascus when France annihilates them, with the Muslims of Tripoli when Italy commits atrocities. We can sympathise with Abdul Karim of Morocco as a brave man trying to throw off the foreign yoke against impossible odds. We can sympathise with the Arabs of Palestine when we find that they are being dispossessed of their lands. We may rejoice in the power of Ibn Saud, of Riza Khan Pehlavy, and the people of Afghanistan, for, our interests are wide, our brotherhood is wider still, and we comprehend in our affection humanity as a whole. Such sentiments will not possibly appeal to my Hindu brethren, and are likely to be confused by them into political sympathies; but I would like to assure them that this can in no sense deflect us from our position as Indians. We may be descendants of Mahmud of Ghazni, or Shahabuddin of Ghori; but we are Indians to-day with the interests of India at heart, and when we appeal to our bye-gone traditions, for we cannot deny our

ancestors, we do so as Indians and not as foreigners. Our very religion teaches us that humanity is one, that we are not bound by castes, *gotras* or clans, that the only loyalty that we owe is loyalty to our compatriots, be they Hindus or Mussalmans. And there is no fear that we shall look outside the boundaries of India for our political emancipation.

I hope that the Council will have no objection in the interests of India as a whole and in the interests of nationalism, in accepting separate electorates as the basis of solution of the problem of representation that confronts us to-day.

[At 4-5 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.]

Mr. K. C. RAY CHOWDHURY: We have been treated to-day to a lot of lectures on the principles of constitution and the theory of protection of minorities and all that sort of thing which is not the subject matter of the resolution before the House. This is a thrice told tale which makes no contribution whatsoever to the subject before the House. It is joint *versus* separate electorates under discussion to-day. We have been reading all kinds of the pros and cons of this matter for the last two years—the proceedings of the Round Table Conference, proceedings of all conciliatory intermediaries who tried to solve the problem, but I must say that to-day I have heard nothing that can be said to add in the slighest degree to what we know. My friend, Mr. Suhrawardy, has made a statement to-day that in the interests of the *raiyats* of Eastern Bengal separate electorate is beneficial. With due respect I beg to contradict him and to say that the story is quite the opposite. In this House, as you know, Sir, we have had discussions on the Bengal Tenancy Amendment Act and I can say that if there was no separate electorate and if there was a joint electorate, I think the fate of the discussion would have been different indeed from the point of view of the *raiyats* and I would ask if there is anybody who would come and tell me that his opinion is not so on the face of the discussions and arguments advanced before this House. Sir, from the labour point of view, I would at once tell my friend, Mr. Suhrawardy, and men of his way of thinking that we do not want separate electorate. This question of separate electorate was discussed at a meeting held in Madras, specially convened for the purpose by the Trade Union Federation and attended by three round-tablers, *viz.*, Messrs. Giri, Joshi and Shiva Row, as also by the representatives of the Moslem Labour Unions, *e.g.*, the Seamen's Unions of Bombay and Calcutta. Sir, at that meeting not a single speaker could advance any arguments in favour of separate electorate, and why? Those who are in industrial areas know that Hindu and Muhammadan workmen work together side by side in the same rooms and on the same machines and up to now not a single Muhammadan,

much less a Muhammadan of Eastern Bengal, would say that by having separate electorate their economic destiny would be altered a bit. On the contrary, if they have a separate electorate, they will be thinking in terms of religion and in terms of social customs which have nothing to do with the constitution of the country. Sir, I have very little new to say from the labour point of view or from the point of view of the *raiyats* but that a separate electorate would be a disaster.

Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir, I may say that Mr. Ray Chowdhury has misunderstood me, as I was referring to the general constituency and not to any special constituency like labour.

Reverend B. A. NAG: Sir, I think on an occasion like this I would like to make known the views of the Indian Christian community which I have the honour to represent in this Council. Sir, the leaders of the community, on various occasions, in the all-India conferences and local conferences, have spoken against separate electorate. They support joint electorate, because one of the reasons is that they are feeling more and more that the country is larger than the community, the nation is greater than a caste or a class. Therefore, they have a long view and they say that we would not have communal electorate but would have joint electorate. My friend, Mr. Armstrong, read a portion from the Franchise Committee's Report which says that a complete and detailed scheme for the composition of each of the provincial legislatures must deal with the representation of the Europeans, the Indian Christians and the Anglo-Indians, and it follows that there is very little chance for the Indian Christians at least in Bengal and probably in some other provinces to come into the Council through joint electorate. Well, that may be so; but, Sir the thinkers amongst them are prepared even to be wiped out for the sake of the future of the country: what does it matter if I or another one or two do not come into this Council, but that the Bengal provincial legislature is formed on a national basis. That is a thing which we should look to. I thought that Mr. Armstrong contradicted himself when he quoted Dadabhai Nauroji. He is mistaken in thinking that there are not very many people who appreciate the Britishers in India. Well, I certainly do, Dadabhai Nauroji did and there are others who do. Mr. Armstrong cannot have any reason whatsoever to believe that in the constituencies there would not be many many Dadabhai Naurojis who would vote for a Britisher. If you do not vote for a Britisher, I hope I will be excused if I say that it is because they themselves have become very exclusive; they have kept their interests to themselves. I do not suggest for a moment that they have not interested themselves in our interests, but what I say is that they have not allowed us to be interested in their interests.

There is no common ground. If there was more give and take between us and if there was more social fellowship, I think, the European residents in India would not have any reason to grudge us probably as he has now. It has been suggested, I forget by whom, that if there be separate electorate, the minorities will be wiped out. Well, supposing the Indian Christian community comes here through a separate electorate, he will be only one out of 140; there will be one Indian Christian declaring war against 139. What can I do with 139 against me? I should be in a very miserable plight if I cannot identify myself with their interests and allow them to identify themselves with my interests. For these and various other reasons, I on behalf of the Indian Christian community would say that we strongly support joint electorate. But to be fair to the community, I would say that if those who are in charge of the constitution feel that from communal electorate to joint electorate is a very big jump, they are prepared to concede, I mean the Indian Christian community, that as a stepping stone there might be for a few years only joint electorate with reservation of seats. They are not for it, but if the circumstances compel them, they might have that. That is the view of the Indian Christian community.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I do not understand why and with what intention Maulvi Abdus Samad tabled this resolution. If it was his intention that by this resolution he would influence the Prime Minister in his communal award, I am afraid he is entirely mistaken. From all that we know the Prime Minister has perhaps already made up his mind on this matter and even if he has not, I do not think that a vote in this Council would carry us any further or should be considered more representative in character than the views of the many political leaders and other communities which, I believe, are already before him. After listening to the discussion to-day and yesterday, I have found that a lot of heat has been introduced as it was expected. I wish in rising to speak on this subject to ask the House to face facts as they exist and not indulge in rhetoric or principles of constitutional law. This question of electorates has been, during the last three years, the subject of discussion both in this Council and in the press and on platforms; and it was not possible for any of us here to-day now to throw any new light on that subject. In most of these discussions, Sir, we have found that the real issues have been clouded by aggressive communal speeches or, on the other hand, by insincere talk of nationalism, Hindu-Moslem unity and the like. The real bone of contention, which, however, in most of these discussions has been kept concealed, is the question of majority in the Legislative Council. Each community is really fighting for their majority. The Moslems, relying on their numerical strength in Bengal, claim a majority of the seats in the

Council, which the Hindus, relying more on their alleged advancement in the education and better economic condition, refuse to give them.

4-45 p.m.

Whatever we may say or do and however much we may regret it, the fact remains that in talking about the question of electorate, the Hindus and Moslems do not think in term of India but in terms of Hindus and Moslems, as my friend Mr. B. C. Chatterjee said yesterday. That is a fact which you must face. As was said yesterday by Mr. Kasem, the two communities, in spite of their community of interests, to-day stand apart as separate entities, and they will remain so for many years to come unless each community has more confidence in the other and in itself. Sir, as things at present are, it is difficult to bring the two communities to think alike. As the common saying goes, to make oil and water mix is impossible. Personally I do not believe in the Congress slogan that the Indians should think themselves as Indians first and Hindus and Moslems afterwards. I am sufficiently straightforward to think that most people who profess it do not believe in it. Blood is thicker than water as it should be, and if it is not, I think it is not good blood. My poor community has come in for a good deal of abuse for claiming a majority on their numerical strength. What is there in this claim that my Hindu friends should be so furious about it? Admitting that we are backward in education and economically, are we not the actual producers of the wealth which our friends enjoy? Is there any law in the world which gives greater share in the father's patrimony to a boy who is more clever than others? If one son is a graduate, does he get a greater share than the boy who is only a matriculate? The Hindu Mahasava claims that by their political efficiency and political sacrifice they have succeeded in earning *swaraj*. I am perfectly willing to concede them this demand, but cannot the Moslems also retaliate by reminding my Hindu friends that nearly two centuries ago it was the Hindus who handed over Bengal to the foreigner (question)? If you had listened to that patriot, Rani Bhawani,—that we should not mix with the foreigner,—I think things would not have come to such a pass as they have. I think it is only in the fitness of things that you should suffer for the sins that your forefathers committed. Admitting that there are sacrifices, will it not be more noble to complete those sacrifices by not claiming any more than what you are legitimately entitled to?

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Are we discussing the joint or separate electorate or ancient history?

Khan Bahadur MUHAMMAD ABDUL MOMIN: As regards the system of electorate, I am not one of those who condemn a system *in toto* in theory. Each system must be judged on its merits, on the requirements of the particular locality concerned and the results it is expected to achieve. Joint or separate electorate is only the means to an end. If the end is expected to be good or satisfactory, the means will also be satisfactory. But if you think that by a particular system of electorate, the end will not be satisfactory, you must condemn that system. Therefore, I am not one of those who make a fetish of separate or joint electorate. For instance, in a place where a particular community is very much in a minority, unless the majority community wants to swamp that community, this community must be represented either by a joint electorate with reservation of seats or still better by a separate electorate. So far as Bengal is concerned, the Europeans and Anglo-Indians must and should get separate representation through a separate electorate: otherwise, I am afraid, it will be difficult for them to be returned to the Council. Even through a joint electorate with reservation of seats, I do not think that those whom their communities want to represent and look after their interests, will hardly ever be returned. As regards the Hindus and Moslems, however, so far as Bengal is concerned, they are so equally balanced that I think we would be justified in agreeing to a joint electorate provided that the franchise represents the proportion of population or is based on universal adult suffrage. Joint electorate is of course a theoretical ideal, but it is only so if it is based on an ideal franchise. If any other special constituency is pressed for, barring the Europeans, then the principle of joint electorate goes, and, in the circumstances, I think, the minority community or any community who has not got sufficient confidence in his neighbours or in themselves should have the right to be represented by a separate electorate.

We are all tired of the communal strife over the question of electorate. We are tired of manifestos and countermanifestos, we are tired of cant and hypocrisy. Unless, therefore, we come to a definite compromise by give and take, it would be much better not to embitter communal feelings further by further discussions in the usual strain. Ever since these discussions started, we have heard lots about the evils of Hindu-Moslem disputes, but no leader in Bengal, barring one exception, has come forward with a sincere effort to bring about a compromise between the two communities. That exception is Mr. B. C. Chatterjee who, in spite of the frowns of the Hindus, gave a public invitation to all parties by suggesting his famous 50/50 representation. As expected, the Hindu Mahasava has disowned him. The special correspondent of the *Statesman* made fun of him. This was also expected. We want peace in the land above everything else, and I am willing to respond to his invitation to secure that peace. I am full of admiration for the courage, patriotism and sincerity of

purpose of Mr. B. C. Chatterjee, and though it is too much to hope, in view of the adverse attitude of his community to his proposal, that his scheme will materialise, I for one, without prejudice to the interests of my own community, am willing to whole-heartedly co-operate with him.

Babu JITENDRALAL BANNERJEE: I must begin by expressing my admiration for the attitude taken up by the Reverend Mr. Nag in this debate. I should like to assure him that this attitude is not simply the attitude of the Christian community, it is the attitude of the Hindu community as well. They too are prepared, if need be, to be wiped out of their constituencies for the sake of nationalism.

Khan Bahadur Abdul Momin has told us that we have heard much insincere talk about nationalism. He said that it was all cant and hypocrisy. I am sorry to think that he should have such a poor idea of nationalism. To him it may all seem to be insincere talk, for he has spent his life in Government service, often in combating the interests of his own community, though to-day he comes forward as the champion of that community. But there are many among us with whom nationalism is a religion, for which they are prepared to live, for which they are prepared to die. That is a position which Khan Bahadur Abdul Momin will not understand. But I expected that Mr. Rahman would understand it; and to me it has been the greatest disappointment in this debate that he also has abandoned that ideal.

Sir, a certain amount of complication has been introduced into the debate by the intervention of Mr. Thompson and Mr. Armstrong. So far as Mr. Thompson is concerned, he rather lost himself in the mazes of an academic discussion on the value of the vote; but he did not tell us what sort of political arithmetic he had for equating the representative value of votes. As for Mr. Armstrong he distinguished himself by introducing a novel kind of argument. He said or seemed to say, "we have invented the locomotive, therefore we are entitled to rule over Bengal". If that were a claim, it would hold good, not simply in the case of Bengal but all the over the world. You might say, "we have invented the locomotive, the locomotive has been of benefit to Italy, and therefore we are entitled to rule over Italy". Only, Mussolini might object. Or you might say, "we have invented the locomotive, the locomotive has benefited Russia and so we are entitled to rule over Russia". But Stalin might disapprove. Or you might say, "we have invented the locomotive, the locomotive has benefited Germany and so we are entitled to have a major share of representation in Germany". Only, President Hindenberg might say nay to that. But here, in Bengal, we are everybody's property, and therefore Mr. Armstrong or anybody else may safely get away with

this species of "locomotive" argument. Perhaps what he meant to say was that they have got such a considerable stake in the country, they have so much money invested in the country, that they ought to have a more than proportionate share of representation in the legislative institutions of the country. That is an argument which we often hear but of which I have never been able to appreciate the full value or significance. "You have invested capital, and therefore you must rule". Is that an argument worth serious consideration? If you have invested capital, the most you can claim is a fair return upon that capital. What more can you expect? There is English money invested in Germany, Germany money invested in Russia. But in Russia or Germany, would the preposterous claim be ever put forward that investment of money gives a right to rule? Mr. Armstrong asks, "where do we come in?" Suppose you do not come in at all! What will happen? Will the skies fall? Will India cease to exist? Here, in this Council, you are a mere handful, and you do not often influence the decisions of the House, for, on account of a certain superiority of pose, you do not care to intervene in our debates. But does that materially affect the future of the country? In fact this sort of argument cuts no ice; and I only wonder that, as a man of strong commonsense and business experience, he should have treated us to this kind of piffle.

The argument of Mr. Suhrawardy was of a very different character. He said he had just got up from a sick bed; but there was no trace of sickness in his speech. Perhaps the energy of his communal hatred had enabled him to triumph over his temporary sickness; or perhaps his sickness might be a camouflage just as so much of his speech was a camouflage. I shall not characterise Mr. Suhrawardy's speech as a hymn of hate because in a hymn there must be something musical, and there was nothing musical in Mr. Suhrawardy's speech. It was, as it always is, a masterpiece of ingenious and deliberate misrepresentation it bristled with suggestions of falsehood and suppressions of the truth. Mr. Suhrawardy began with a reference to his precious minority pact. I am astonished that any man with any pretence to a sense of justice, equity or fairplay should take the name of that disgraceful pact in this Council.

Mr. A. K. FAZL-UL HUQ: (Question!)

Babu JITENDRALAL BANNERJEE: I shall deal with Mr. Fazl-ul Huq presently.

Mr. A. K. FAZL-UL HUQ: Unless it is relevant, it is out of order.

Babu JITENDRALAL BANNERJEE: I say he should refer to his predecessor. Mr. Fazl-ul Huq was absent at the time as he very often is. Unfortunately he followed a line of argument——

Mr. A. K. FAZL-UL HUQ: Though I was not here I may remind him——

Babu JITENDRALAL BANNERJEE: I hope, Sir, he will extend to me the courtesy of a hearing.

Mr. A. K. FAZL-UL HUQ: The minority pact dealt with the amount of representation although it dealt indirectly with separate electorate and if I were here——

Mr. PRESIDENT: Order, order. I cannot allow this wordy duel.

Mr. H. S. SUHRAWARDY: On a point of personal explanation. I said nothing about the minority pact.

Mr. PRESIDENT: I may point out to the House that if anybody wants to rise on a point of personal explanation or say something, the member in possession of the House may yield to that if he wants to but unless he does it, it is absolutely wrong for any other member to rise and interrupt. Mr. Bannerjee, will you go back to your point?

Babu JITENDRALAL BANNERJEE: One is apt to forget his point in the maze of these interruptions.

Mr. H. S. SUHRAWARDY: I want to say something as a personal explanation. Will Mr. Bannerjee kindly allow me to do it?

Babu JITENDRALAL BANNERJEE: No, I would not. Sir, I do not understand why Mr. Fazl-ul Huq should be so nervous about the minority pact. He was not invited to be a party or signatory to that pact, though he was present in London at the time; they ignored him altogether; and it is indeed very generous of him—generous and chivalrous—that he should come forward to defend a transaction from which he was excluded.

Sir, here in this Council as well as elsewhere, Mr. Suhrawardy has made a great show of justice and generosity upon the ground that though, in the country, they constitute 54 per cent. of the population, yet in the pact, they have agreed to a representation of 51 per cent.—a sacrifice of 3 per cent.! But in the very same pact, how do they deal with the Hindus, with the Hindus that form at least a negligible minority of 43 per cent. of the population? Why, Sir, they allow the

Hindus a generous proportion of not less than 36 per cent.! In other words, a vicarious generosity of 7 per cent. at the expense of the poor Hindus! So much for the much vaunted justice and equity of the minority pact! But Mr. Suhrawardy did not confine himself to the pact alone. He said that the Hindus wanted representation by special constituencies. My answer is that this is a gross misrepresentation of the attitude of the Hindus. It is no use quoting what Mr. B. C. Chatterjee may have said or what the Raja of Nashipur may have said. So far as the bulk of the Hindu community are concerned, there is one accredited and organized body which is their spokesman and representative; and I can repeat—without the least fear of challenge or contradiction—that this body is the Congress. And although to-day I do not worship in the same shrine with the Congress, yet the fact remains that the Congress, expressing its opinion through its chosen representative, Mr. Gandhi, has utterly repudiated the suggestion of special constituencies. Throughout, the Congress has taken its stand upon joint electorate; it has never advocated either special constituencies or any reservation of seats. Therefore, this particular bit of calumny which Mr. Suhrawardy delighted in propagating falls to the ground. Of course, it does not much matter what Mr. Suhrawardy says. But Mr. Momin also repeated the assertion that the Hindus are anxious to secure their majority in the provinces where they are in a majority. Nothing can be further from the truth. We do not grudge the Muhammadans a fair majority in Bengal. We know that, so far as Bengal is concerned, if there is a joint electorate, we Hindus run the risk of being swamped in East Bengal, in North Bengal and in fact everywhere except in the Burdwan Division. Almost everywhere, the Muhammadans will come in a great majority. Perhaps they will capture 60 per cent. of the seats. But we do not want separate electorates on that ground; we are prepared to be swamped, if thereby we learn the lesson of united work and united endeavour. All that we say is, "A fair field and open competition and no favour". In Bombay where the Hindus are in decided majority, do they say "give us separate electorates so that our majority may be assured"? Or in Madras, or in Behar, or in the United Provinces? It is only in Bengal and it is only from the Mussalmans of Bengal that we hear this feeble and self-mistrustful cry. Why should you be content with 51 per cent? Have 55 per cent. if you like, only come in through the joint electorates. If you are in a majority, as numerically you are why should you be anxious to secure your 55 per cent. by statutory provision? The Hindus make no such claim where they are in an absolute and assured majority. And why should you claim a differential treatment for the Mussalmans alone? On the other hand, if you take your stand as a separate community and claim separate representation on that ground, how can you prevent other classes, communities and interests from claiming special and separate

representation for themselves? If the Muhammadans want special representation, why not the *zamindars*? What fault have they committed? Why not the merchants and other communities who too form an integral part of the nation at large? If you take your stand as a separate community, then you must be prepared to recognise the existence of other separate classes and communities as well and must take your chance of representation together with them.

So far as the amendment of Maulvi Tamizuddin Khan is concerned, it is rather by way of a compromise; and, excepting in one particular I am prepared to go all the way with him. His points are adult franchise, no reservation, and no special constituencies. So far as the last two are concerned I am entirely at one with him, and so are the majority of the Hindus. But, as regards adult franchise, I personally have my doubts. I am prepared for any lowering of the franchise that you may like, but my contention is that adult franchise is not practical politics now. For one thing, the constituencies will break down under their own weight. Again, taking things as they are, adult franchise will make, not for democracy but for an intense and acute form of oligarchy. Let us recognize the fact that the great body of our people are yet untrained in the habit of working representative institutions. One of the essential points of democracy is that the electors must be able to exercise control over their representatives. But this needful qualification is lacking at present. We have a glaring instance of this fact in the Corporation of Calcutta. The people of Calcutta are perpetually grumbling against the Corporation; they think that their affairs are grossly mismanaged; and, in spite of this universal grievance, when the time for election comes, they send the same set of men again and again. One explanation of this phenomenon is that, in the East, power tends to be perpetual; but the other and more obvious explanation is that the electors have not yet learnt how to exercise control over their representatives. This is the chief reason why I am against adult franchise just at present though that also is bound to come in course of time. As for the other points in Mr. Tamizuddin's amendment, I am surprised and sorry that they should have been assailed by some of my Hindu friends. My entire concurrence is with them——

[Here the member having reached his time-limit resumed his seat.]

Mr. H. S. SUHRAWARDY: May I rise on a point of personal explanation? All that I spoke in regard to the minority pact was that Government must consider this time the significance of the minority pact and not accept all that the Hindus said.

Mr. SHANTI SHEKHARESWAR RAY: Mr. President, Sir, I am at a disadvantage in taking part in this discussion. I feel that a broad question of this nature should be decided on an all-India basis

and not on a provincial basis. If we are going to have a joint electorate, we must have joint electorate all over the country and not only in Bengal where Muhammadans are in a large majority. If we, Hindus of Bengal, are called upon to make a sacrifice, that sacrifice must be made in the interests of the people of India—people of other provinces. Muslims cannot base their claim on a statutory majority or a majority of population in Bengal and at the same time ask for weightage or special privileges in other parts of India. Moreover, I feel that the discussion we are having to-day is rather of an academic nature. It is too late and a resolution of this sort would have some value when the Simon Commission was making inquiries. At this stage it is more or less useless and Khan Bahadur Abdul Momin has already pointed out that the decision in the matter is already being taken by the Prime Minister.

5-15 p.m.

In itself it is a galling situation and the best that we can do at present is not to quarrel about what kind of electorate we are going to have, whether we are going to have a statutory majority of this community or that, but await in patience the decision of the Prime Minister and see whether the decision has been honestly taken in the interest of Indians or whether it has been taken in the interest of the Britishers. The time will come for recording our decision when that award has been made and the only criterion should be that it is in the interest of Indians and Indians alone.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am sorry to find that even at the present moment when the time is quite critical, we are not in a position to discuss this question with the equanimity and sense of responsibility that it demands. Sir, I wish to draw the attention of the House to certain facts which seem to be ignored. In the first place we must remember that the question of representation to the Council in the future would be vastly different from the question of representation to the Council of the present day. The Council of the future will be a Council which will be responsible for the entire administration of the country and the question of questions for us to consider will be whether we are going to provide a constitution which will be able to ensure the steady progress and welfare of the people as a whole. On the contrary, Sir, in much of the discussion on the subject I have found that the minds of the speakers have centered round the problem as to who are going to be sent to the Council and who are going to share the loaves and fishes of office. I say it would be a crime on our part to discuss the question at the present juncture from such a narrow point of view. We must not forget that the question is not as to who comes to this Council; the question is, and the ultimate purpose of the constitution is, to secure the best interest of the country. Now, Sir, how can we do that? Can

we do it by keeping people in water-tight compartments, where real opinion should be divided into atoms so that the opinion of the country cannot be reflected in the Council? It is not a question of Hindu or Muhammadan alone. Those who think like that delude themselves. The moment you bring in the question of representation of a community separately, you let in possibilities of numerous other claims. Already the seed which was sown in the Lucknow pact has germinated and fructified in special constituencies for *zamindars*, for *mahajans*, for merchants, for others, and already one of our hon'ble members has foreshadowed the possibility of claims being made on behalf of each caste. Well, Sir, the moment you recognise that you are breaking up the communities into so many different classes,—into atoms,—not on political principles but on principles as far off from politics as anything could be, what will follow? Suppose we take up a particular political programme; on that programme myself and my friend Khan Bahadur Abdul Momin and my friend Mr. Armstrong, on the other side, may be agreed; but we cannot join together for the simple reason that I have to seek my votes amongst Hindus where perhaps I may be in a minority; the Khan Bahadur may seek his votes amongst the Muhammadans where perhaps he may be in minority and possibly the only man who could possibly find his way clear with this programme would be Mr. Armstrong who may have a majority among Europeans. That would be the result of having water-tight compartments. Is that the way by which you are going to give the country a beneficial administration of an efficient constitution? That is the sole question before us; is this the way by which you are going to give the country a Government which will work for the improvement of the condition of the people—economic, political and social? I submit that that is not the way. I quite recognise that democracy of the old type, as certain speakers have pointed out, is somewhat out-of-date. Its limitations are great. I sympathise with Mr. Thompson in his admiration for the Soviet system of Government in Russia. If Mr. Thompson will give me an assurance that a scheme on the basis of the Russian model has any chance of being accepted by this Council, I should be the first person to join and support him. But he knows as well as I myself do that there is not the ghost of a chance of any such proposal finding any support either in the country or with the Government here. There are other ways in which this problem can be solved. There are different programmes suggested, but they are not before us. Well, Sir, I am not unmindful of the question of minorities—I know full well that the question of guaranteeing the interest of minorities has been considered ever since the time of John Stuart Mill, as the Nawab Sahib has reminded us. That is a problem that has got to be solved. But the real solution of that has been obtained in recent times and it has been found to be very efficient: that is the solution which is embodied in the minority guarantees in various countries under the protection of the

League of Nations. This is a useful model upon which we might formulate our proposals for safeguarding the interests of the minorities. Well, Sir, that is a scientific and rational way of safeguarding the interests of minorities. But we are not dealing with that question now. That question may have to be discussed afterwards. Subject to such guarantees as may be necessary for the protection of the interests of minorities, the question is how is the legislature of the province to be constituted. Well, to that, I submit, there can be only one answer and that answer is furnished by the resolution which has been moved by my friend Maulvi Abdus Samad taken along with the amendment moved by Maulvi Tamizuddin Khan. Well, Sir, I need hardly say that I give my whole-hearted support to Maulvi Tamizuddin Khan's amendment. There has been a certain amount of criticism of that amendment; but I may repeat the assurance that has been given by my friend Mr. Bannerjee that the considered opinion of the Hindu community as a whole is entirely in support of the amendment which has been moved by Maulvi Tamizuddin Khan. Notwithstanding the voice of dissent that may be raised here and there, the Hindu community, whenever they have assembled in a deliberative body, have expressed themselves in clear terms in this matter. I do not think that there is ground for the belief that the Hindu community are enamoured of these special electorates, for the Hindu community is committed to the principle of representative Government which is wholly and absolutely inconsistent and irreconcilable with special constituencies as they have been framed in our country. The Raja Bahadur of Nashipur has referred to the British Constitution and the constituencies at Oxford and Cambridge: that has got nothing whatsoever to do with special electorates here. The position of Oxford and Cambridge as British constituencies has a history behind it which has no application here. It is worthwhile noticing that the numerous other universities in the British Isles have not got their representatives in Parliament, and there is no other special interest in the British Constitution or in any other constitution in Europe. Well, Sir, what are the special constituencies? Is it not a fact that under the cover of special interest we are merely providing pocket-boroughs from which certain members are assumed of coming to the Council? Is it not for that reason that the supporters of special electorates are plumping for special electorates? If you look at the electoral rolls of certain special constituencies, you will be surprised to find how poor they are in number. In respect of some of the constituencies at any rate, you may be able to say beforehand who is going to be elected. That is the sort of pocket-boroughs against which democracy fought and which democracy demolished by the Reform Act in England. You cannot in one and the same breath say that communal electorates should go and that special electorates should remain. If you are consistent, you must do away with special electorates. The two things cannot go together. I think that there is no ground or principle whatsoever on which these special

electorates can be supported. But the real reason for which some people find it necessary to support this is that they apprehend that without these special electorates the Hindus might be swamped: that is a feeling about which I have a few words to say. I am not afraid that the Hindus will be swamped—that the Hindus of East Bengal and North Bengal will be wiped out. They cannot be wiped out unless they deserve to be wiped out. So long as they have manhood, so long as they are doing useful social service, so long as they make themselves useful to the community, they will always come, but if they think of living by having recourse to subterfuges, I am afraid they will never be able to maintain their position, no matter how many special constituencies are provided for them; unless they make themselves socially useful and establish themselves in the hearts of the people and secure the goodwill of the majority of the population, special constituencies will not help them. The only real protection of the minority communities lies in the goodwill of the people. A mere majority does not necessarily enable you to impose your will upon the people. Even if the Muhammadans come in an overwhelming majority in this Council, even if the Treasury Benches are filled with Muhammadans, I do not think that it will mean that the Hindus are going to suffer or are going to be wiped out. They cannot be, unless they lose their manhood.

5-30 p.m.

It is well known how a very small handful of determined men can be a terrible nuisance to a Government. A majority, if it chooses to terrorise and subdue a minority, will find itself in a position in which its existence may be sustained by frequent repressive measures, but its work of administration will be imperilled. In recent times we have seen how a movement, entirely non-violent, on the part of what is ultimately a small minority of the community, has so far dislocated the administration of the country that the Government have had constantly to look for new devices to put down the movement while administration is more or less at a standstill. So it is quite clear that administration cannot be efficiently carried on against the wishes of a large and hostile minority. That being so, I have not the slightest fear that a Muhammadan majority in the legislature or even a Cabinet composed wholly of Muhammadans, will wipe us out of existence so far as representation in this Council is concerned. So long as we continue to be socially serviceable, I am sure our work will put us on our feet under any circumstances and I have no doubt that if joint electorate and free voting is allowed, it will not have any injurious effects on the Hindus. Our social services will be our only guarantee of ultimately securing a real homogeneous community.

Khan Bahadur Maulvi AZIZUL HAQUE: It is very difficult, in a discussion like this, to take part with that assurance of mind which one is apt to feel on such momentous occasions. For years past we have

discussed this matter not merely among ourselves but also among others who are our well-wishers and friends, to use the language of a famous writer, "inventions are exhausted, reason is fatigued, experience has given judgment," but this problem has not been solved yet. There have been so many speeches made on the floor of the House to-day that I hope that if there were sincerity in the country, this problem would have been solved long ago.

Let me analyse the situation and, to quote the words of Dr. Naresh Chandra Sen Gupta, say that if all the communities were prepared in the year 1908-09 to take up the question of representation of a few Moslems in the spirit in which he has expressed it to-day, *viz.*, that it does not matter if a few Muhammadans come in when the other community was in a majority there, I am sure the situation would not have been what it is to-day. At the time when the Lucknow pact was made, the press used to decry the pact on the ground that communal cancer was eating into the vitals of the country. If Mr. C. R. Das was not howled down from the press and the platform after he had entered into a certain pact with certain members of his party, I think the situation would not have come to such a pass. Sir, there is one lesson which history teaches and that lesson has been expressed by members on the floor of this House and most forcibly reminded by Mr. J. L. Bannerjee that power in the East always tends to be perpetual. If you really want to find out the reason why this problem has grown so acute, it is so because everybody has tried to look at it from the point of view of how much gain it would be possible for his community to have or to retain by a certain process, and nobody has looked at it from the point of view of the best interest of the country. Sir, the East has given birth to many religions and deeper philosophies and fine sentiments, but I am afraid that in the statesmanship of the modern world the East has yet to prove her fitness. I do not say that it may not do it, but I often find that the East is carried away by feelings and sentiments and does not take real advantage of the present situation. After all what has been the history of the past few years? Hindus and Muhammadans have gone to the Round Table Conference, have broken their heads against each other in discussion and yet have failed to come to any agreement. That is not the act of politicians. And that has been so, because, as has been pointed out by many of my friends here, each and every one of us is so anxious to retain all that he enjoys now, that he forgets the facts and realities of the present situation. We do not care to know how things are moving round us. We always stick to principle whatever might be its ultimate effect. I think if politics has taught us anything, it has taught us the lesson of compromise, of which John Morley said that it was the best thing in politics. Mr. B. C. Chatterjee wanted to find out a *via media* on a fifty-fifty basis. But it is a great pity that it has not been accepted by any sensible and responsible section of our politicians. On the contrary,

it has been decried and attacked in the press. But if you are really statesmen, you would have taken advantage of the offer and tried to make the best out of it; and yet how many of us are prepared to argue on the lines of Mr. B. C. Chatterjee, namely, that if you feel honestly that separate electorate is a necessity for you, let us go half and half and adopt the joint electorate? Up till now everybody has thought from the point of view of sacrificing his own interest and not from the point of view of the interest of the country, simply because we stick to the very letter of our demand! Nobody has tried to take up the proper point of view of a politician to take advantage of the situation. As I say, Sir, the realities of to-day are often forgotten by us. Why is it that, although Muhammadan leaders have been condemned both in the platform and in the press as communalists, they still stick to the principle of separate electorate, at least a great majority of them? Is it a matter that can be simply solved by resolutions or discussions in conference? Is it a matter which can be whittled away simply because there is a principle involved in it which we are both to abandon? Has anybody ever taken the trouble to find out what reason is there behind this feeling of the Muhammadans? After all Muhammadans are not fools that they will sacrifice their own interests merely for a principle. I think the only reason why Muhammadans have so far stuck to separate electorate is that they have often found that in the East power tends to be perpetual and it is very difficult to dislodge a man once he is safely established in power. I will not take much of your time, Sir, but I would only point out some singular facts in the political situation of the past few years. Let me take the case of Dr. Ambedkar and Mr. M. C. Rajah. Dr. Ambedkar who is a man now wedded to separate electorate was formerly an ardent advocate of joint electorate. Similarly Mr. Rajah who has come into so much fame as a man who has entered into agreement with everybody in this country was an ardent advocate of separate electorate. Surely it is not for nothing that the politicians who held different views in the past have changed their views now. Surely they must have a point of view to which we do not give sufficient attention. I may be a communalist, but because others or other communities hold the doctrine of joint electorate, anybody who thinks that I am unpatriotic is utterly mistaken, for I consider that he is also patriotic in every sense of the term who tries honestly to serve his mother country. But with our limitations we have not tried to consider the situation properly and have accordingly failed to appreciate the realities of the situation.

Sir, on the main resolution I will not say anything except a few words. I am afraid that the two conditions that have been tagged on to the resolution by Mr. Tamizuddin Khan have created a new situation. On the question of adult suffrage I agree with Mr. J. L. Bannerjee. You may talk of universal suffrage, but if you really like to take stock of the present situation, as regards electorate, the responsibilities which the

Cabinet have to take, and the heavy expenses which the Cabinet will have to incur (a penalty which democracy is required to pay), does it appear to be a very simple matter? The principle is agreed to, but in only a few countries of the world does universal suffrage prevail. That being so, we should move step by step cautiously before more responsibilities are undertaken. What does it matter if we do not get it to-day or to-morrow? We have waited for our constitutional evolution long enough and we can gladly wait a little longer. And I think it is they who take this long view that really serve the best interests of the country. It is a great pity that we should be carried away by the principle of the thing (which is accepted) and not take into consideration the difficulties that underlie it. Therefore, I personally feel that it would have been better if a practical turn could have been given to the resolution and I hope everybody in this House will vote for separate electorate.

There is another matter which has been left untouched. What will be the fate of other minorities if separate electorate were done away with? Let us, therefore, take all the factors and realities of the situation into proper consideration and think on them before we vote on this resolution and amendment.

Mr. J. N. GUPTA: I move that the question be now put.

Mr. PRESIDENT: I do not think that if I accepted your motion at this stage, it would be an infringement upon the right of reasonable debate. But I must give the Hon'ble Member of Government an opportunity to speak on the resolution, and allow the mover thereof to exercise his right of reply.

The Hon'ble Mr. R. N. REID: With Mr. Suhrawardy's anticipatory condemnation of the Government's attitude to this resolution before me, I rise to explain what that attitude is, and I shall do so in a very few words. The view that Government take with regard to the resolution is that in a fully democratic constitution separate electorates are out of place, but regard must be had to practical considerations and these practical considerations indicate that separate electorates must for a time at least continue, and it is on these lines that the Bengal Government gave their views before the Simon Commission. I do not think I could do better than quote from the letter in which they stated their views. That letter is available to the public and was published recently. In paragraph 18 of that letter they say—

"As regards the constitution of the Council, there is irreconcilable disagreement between Hindu and Muhammadan members of Government on the subjects of communal representation and the proportion of seats to be allotted to the Muhammadan community. The Hindu and Muhammadan views are forwarded in Appendices A and B to this letter and a further note representing Muhammadan views will be subsequently

forwarded. It was agreed that this disagreement should be recognised and that the views of the European members should be submitted to the Government of India. Their view is that, however undesirable in principle communal representation may be, conditions in Bengal are such that the present system must be continued until the two communities agree upon some other method of representation. They consider it most desirable that communal differences should die down; but they regard this as an ideal which is not to be attained in the near future. Consequently they consider that at present, from the point of view of practical administration, separate electorates are unavoidable."

5-45 p.m.

Sir, it was on these lines that the Government of Bengal replied to the Simon Commission. It is, therefore, obvious that Government cannot accept the resolution. At the same time, it has been decided that Government will not formally oppose it nor Government members vote on it. I may, however, assure the House that the proceedings of the discussion will be forwarded as soon as possible to the Government of India.

Maulvi ABDUS SAMAD: Sir, before replying to the hon'ble members who have spoken against my resolution, I shall first deal with the amendment of my friend, Maulvi Tamizuddin Khan. As regards the first part of his amendment which seeks to delete certain words from my resolution, I shall have no objection to accept it. These words are merely argumentative and their omission will not change the nature and character of the main resolution. But, as regards the second part, *viz.*, the proviso, it is a negative motion and, if accepted, the nature and character of the main resolution would be materially altered and, therefore, I cannot accept it. The amended resolution would practically mean that if adult franchise be not introduced, then the system of separate electorate is to continue. I do not know what is in the mind of the hon'ble mover of the amendment. Nobody knows better than he that the immediate introduction of universal adult suffrage is beyond the range of practical politics. I cannot understand why he should insist upon keeping his amendment in that form when he fully knows that the object is impossible of accomplishment and the Franchise Committee could not see their way to recommend it. However, to meet my friend halfway, I am prepared to accept his proviso, provided he agrees to accept the following further proviso, viz:—

"Provided further that if the immediate introduction of universal adult suffrage is found impracticable, then the electorate should be so based as to reflect the proportion which each community bears to the total population in the province."

The terms of this amendment are practically identical with the terms of the reference issued to Lord Lothian by the Prime Minister and have, therefore, the chance of being accepted by the Government. Besides, it would serve the same purpose which the introduction of universal adult suffrage is intended to serve. If my friend is really sincere in his profession, then he can have no objection to accept it. His refusal would lead us to believe that this so-called change of view in favour of joint electorate does not represent his real view on the subject but is put forward with an ulterior motive. I know what that motive is, but I do not like to disclose it in this House.

Then, Sir, I refer to the speeches of the hon'ble members who have spoken against my resolution. It seems to me that they have missed the real point. I have dealt with the question of joint electorate purely from the Moslem point of view and I have tried to show that the system of separate electorate is not only anti-national and inconsistent with responsible form of Government but it is detrimental to the interests of the Moslem community and I have given facts and figures to show that up to now we have not only not derived any benefit from that system but on the contrary have suffered materially from it. I have also given concrete instances in which the interests of the Moslem community have suffered under that system. Some of my friends who have spoken on my motion have simply advanced the same stereotyped arguments as they have been doing during the last three years. No new light has been thrown on the matter to show in what way the Moslem interests can be safeguarded by separate electorate. What is the aim of self-government? The aim of self-government is to ameliorate the condition of the people and to see how best it can be done. It can be done by reducing expenditure on police and other heads like that and by abolishing the system of costly administration and by applying the money thus saved to the nation-building departments; these nation-building departments are irrigation, agriculture, education of the masses and sanitary and industrial improvements and things like that. Now, Sir, the duty of the legislature in future would be to see how this money can be properly applied to the administration of these nation-building departments and thereby effect improvements in agriculture, irrigation, etc., which will benefit both the Hindus and Muhammadans alike. Then, as regards my contention that the system of separate electorate is anti-national and inconsistent with democratic form of Government, the principle has been accepted by eminent authorities like Mr. Montagu, Sir John Simon and the Prime Minister, and the proposition is not seriously contested by the advocates of separate electorate. I would once more ask my Moslem friends to remember the fact that the Prime Minister's award is going to be announced very soon, probably within a fortnight. If his decision be in favour of separate electorate on the basis of the Lucknow pact, the position of the Moslem

community would be simply intolerable. Sir, the day of reckoning will very soon come when the advocates of separate electorate shall have to explain their conduct to the Moslem community. It is, however, not yet too late to mend.

Mr. PRESIDENT: I think I had better tell the House the procedure I am going to adopt in regard to the motions now before the House. I would, of course, put the amendments first, but instead of taking up both the two amendments, I would split up the first amendment into two parts so that if the second part with the proviso is accepted or thrown out, the other amendment need not be put at all. By adopting this procedure I would be able to save the time of the Council.

Maulvi TAMIZUDDIN KHAN: Sir the mover of the main resolution has accepted the first part of my amendment.

Mr. PRESIDENT: That is immaterial. I want to know what the opinion of the House is on the first part of your first amendment.

6 p.m.

The motion that in motion of Maulvi Abdus Samad—

(i) in lines 4 to 6 the following words be omitted, namely:—

"is anti-national and inconsistent with responsible form of government and is also highly prejudicial to the interests of the minority communities and as such";

(ii) in line 6 of the word "this" be omitted;

was then put and a division taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hasan.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Kai Sahib Panchanan.
Birkmyre, Mr. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Momin, Khan Bahadur Muhammad Abdul.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.

Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Rose, Mr. J.
Sarker, Rai Sahib Rebati Mohan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Sir Nilratan.
Suhrawardy, Mr. H. S.
Thomas, Mr. M. P.
Thompson, Mr. W. H.

NOES.

Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mahan.
Poddar, Seth Hunuman Prasad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Singh, Srijut Toj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

The Ayes being 41 and the Noes 37, the motion was carried.

The motion that the following be added as a proviso to motion of Maulvi Abdus Samad, namely:—

"Provided that the electorate is based upon universal adult suffrage and that there is no reservation of seats for any community or for any interest such as landlords, commerce, University and the like."

was then put and a division called for.

Babu JITENDRALAL BANNERJEE: Before the voting begins, may I have your guidance on one point? If the proviso is carried, will it follow that afterwards the resolution itself will be put?

Mr. PRESIDENT: Yes, that follows as a matter of course. The proviso in that case will be added to the resolution before it is put.

The following is the result of the division:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.

[illegible], Maulvi Latafat.
[illegible], Maulvi Abul.
[illegible] Khan Bahadur Maulvi Muazzam Ali.
[illegible], Maulvi Tamizuddin.
[illegible], Khan Bahadur Muhammad Abdul.
[illegible], Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Sarker, Rai Sahib Rebati Mohan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Ali, Maulvi Hassan.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Banerji, Rai Bahadur Keshab Chendra.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Birkmyre, Mr. H.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Roy, Babu Khettar Mohan.
Ross, Mr. J.
Rout, Babu Haseni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Semad, Maulvi Abdus.
Sen, Rai Sahib Akshey Kumar.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.
Thomas, Mr. M. P.
Thompson, Mr. W. H.

The Ayes being 25 and the Noes 42, the motion was lost.

6-15 p.m.

The motion that this Council recommends to the Government that it be pleased to inform the proper authorities concerned that in the opinion of this Council the system of separate electorate in the future constitution of the country should be replaced by a system of joint electorate was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bahsh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mahan.
Choudhury, Maulvi Nural Absar.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Heque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prosad.

Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Khettar Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nocni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu [illegible]
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Birkmyre, Mr. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahmen Khan.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muzzaffar [illegible]
Khan, Maulvi, Tamizuddin.
Khan, Mr. Razaur Rahman.
Momin, Khan Bahadur Muhammad Abdul.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Roy, Babu Nagendra Narayan.
Ross, Mr. J.
Sarker, Rai Sahib Rebati Mahan.
Suhrawardy, Mr. H. S.
Thomas, Mr. M. P.
Thompson, Mr. W. H.

The Ayes being 47 and Noes 32, the motion was carried.

Bankura Medical School.

Babu SATYA KINKAR SAHANA: Mr. President, Sir, I beg to move that this Council recommends to the Government that financial help be given to the Bankura Medical School from provincial revenues.

Sir, in doing so I would like to give a short history of the Bankura Medical School for though it has admittedly been doing useful work, very few people know under what immense difficulties it is being kept a-going by a band of selfless workers.

The Bankura Sammilani, which is a union of the educated people of the district with Sreejut Ramananda Chatterjee, Editor of the *Modern Review* and the *Prabasi*, as its President, started the school in 1922 in a financial condition which was anything but bright. Mr. R. Mukherjee, Bar-at-Law, *ex*-Chief Judge, Kashmir, in his large heartedness made a gift of his commodious house at Bankura with a big compound of about 70 *bighas* for the school. A few practising doctors of the town, some of whom are amongst the best products of the Calcutta Medical College, took up the teaching of the students as a labour of love at an immense sacrifice and loss to their practice and prospects.

when the school was struggling hard to stand on its legs, the benign Government appreciating the good work it was doing made over the palatial Settlement Buildings for its use. Later on Rev. A. E. Brown, the Principal of the Wesleyan College, who is loved and respected in Bankura as one of the builders of the town, took up the management of the school and with the help of his worthy lieutenant Professor P. K. Banerjee, M.Sc., F.C.S., has raised the school to its present condition.

Sir, the Surgeon-General, Bengal, inspected the school during July of 1931 and in his inspection note he was pleased to remark—

"I visited the hospital and school this afternoon with the Civil Surgeon and met the Superintendent and the teachers of the school.

I have already had good reports from Col. Stewart who inspected it for the State Medical Faculty and am glad to find my impression confirmed. It is obviously a very live and active institution. The new buildings and laboratories and wards are of very good design and construction. The old ones will, I hope, be replaced in time, but wonderfully good works are being done under very unfavourable conditions and the staff obviously take a very keen interest and pride in their work. They have a good class of cases for instructional purposes in their wards and the standard of work seems quite good.

I am very glad to visit such a needful and progressive institution and wish it all success."

Sir, this school was started with the principal object of preparing cheap doctors for the rural areas where live about 95 per cent. of the people helpless in the grip of malaria, kala-azar, cholera, small-pox and a host of other maladies which are our co-lodgers in our village homes, and the institution has been steadily moving towards that object. Till now about three hundred students have passed out from the school, about 90 per cent. of whom are set up in private practice in the rural areas.

Sir, the school has got a hospital of its own and more patients resort to it than to the charitable dispensary of the town. It will not be exaggerating in the least to say that patients, discharged from reputed hospitals as hopeless, were admitted into this hospital and due either to the salubrious climate of the place or to the loving care of the doctors and the students, were cured and sent back to their homes. Dr. Ramgoti Banerjee, B.Sc., M.B. (gold medalist), Professor of Midwifery and Gynæcology and Resident Medical Officer, performed cesarian operation on a woman far advanced in the family way but was unfit for natural delivery owing to physical deformity. The relatives of the woman who was a Muhammadan had no hope of getting a live child from the womb and they were almost hopeless of the life of the woman too. Through the skill and care of the doctor a living child was brought out of the womb by cesarian operation, the lives of both the

mother and the child were saved and after a few weeks' stay in the hospital, the happy mother with the baby on her lap was taken to her expectant home by the thankful relatives.

Sir, the number of patients treated and operations performed in the hospital are—

	Out-patients.	In-patients.	Operations.
In 1927-28 ..	14,000	1,700	550
In 1928-29 ..	13,500	1,670	500
In 1929-30 ..	15,000	1,800	650

The expenditure for the school and the hospital where so many thousands of patients were treated and so many operations performed was—

	Rs.	A.	P.
1928-29	46,284	15	0
1929-30	44,173	0	0
1930-31	44,105	14	9

Sir, every farthing of the amount was collected from donations, fees and subscriptions; not a single pice was contributed by the Government from the provincial revenue.

Sir, in the Report on Public Instruction in Bengal for the year 1929-30 we find—

"On the 31st March, 1930, there were 13 medical schools in Bengal with 2,869 pupils (including 20 women) on their rolls. The cost of those medical schools was Rs. 5,43,013 of which Rs. 2,24,848 was borne by provincial revenues."

Unfortunately, Sir, the Bankura Medical School had no share in it. One's sense of fairness and equity cannot but be shocked at this step-motherly dealings to the poor and deserving school of Bankura. Though in the report mention is made of 13 medical schools we have since come to learn that nine or ten schools are actually existing. If out of the Rs. 2,24,848 borne by the provincial revenues for the maintenance of the medical schools the Bankura Medical School had been given at least one-fourth of her actual share, the sense of justice of the people would not have been as bewildered as it is now.

Sir, the usefulness of the institution is evident in its wide range in admitting students. Poverty, Sir, cannot afford to set up creaking iron gates nor keep armed guards to keep off outsiders; the door of the poor school of Bankura is open to all. Though the other medical schools in the province are in a way parochial and serve limited areas, students from remote Sylhet and Mymensingh and other districts, students from

Purulia and other Bengali-speaking districts of the sister province of Bihar, are getting educated in the Bankura Medical School. The cosmopolitan outlook of the school is further evident from the fact that though the number of Muhammadans in my district is about 5 per cent., the school has got a boarding house for Muhammadan students along with one for Hindu students.

Sir, my resolution or request or entreaty or whatever name it might be given, is for giving some financial help to this useful institution. Neither the demand nor the need of the school is exorbitant: a sum of Rs. 10,000 to Rs. 12,000 per annum for the next ten years will put the school on such a firm footing that after that period Rs. 4,000 to Rs. 5,000 will keep it a-going. If owing to the present financial stringency the Government be not in a position to give or promise a recurring help at present a lump help of Rs. 8,000 to Rs. 10,000 for the construction of a much needed ward will go a long way to remove the sense of injustice that the school is groaning under.

Sir, justice requires that at least a moiety of the amount spent over the medical schools from the provincial revenues be given to the Bankura school. In our rural areas if there are a dozen hungry mouth and food only for six, we in our rural commonsense and fairness, to keep all the twelve in the land of the living, divide the food amongst the twelve rather than allow six to have full feed and the remaining six to starve in the wilderness. Such discriminatory treatment often makes deeper wounds than poisoned darts and I would venture to request the Government not to add to the volume of discontent prevailing in the country which is at least partly due to discrimination and the consequent loss of faith in British justice. In the name of suffering humanity, in the name of poor patients of one of the poorest districts, in the name of fairness, equity and justice, I would, Sir, request the Government to give the much-needed help to the school and not to allow the useful institution die a premature death for want of a few thousands.

With these few words, Sir, I recommend the resolution for the acceptance of the House.

6-30 p.m.

Mr. J. N. GUPTA: Sir, as the representative of the district of Bankura in this House I consider it my duty to support the resolution which has just been moved by my friend. I have the honour of having personal knowledge of the activities of the hospital and medical school. I was connected with the district as Commissioner of the Burdwan Division when the school without the hospital was started and subsequently when the hospital was attached to it. As my friend has just said, the medical school and hospital at Bankura owe their existence to the munificence and large-hearted charity of a private citizen. He

was not a resident of Bankura but happened to own some property there. He acquired the building in which the school is now situated for his personal residence, but after staying there for some time, he was so impressed with the poverty of the people and the need for a medical school that he not only made a free gift of the building for the location of such a school, but also set apart adequate property for its maintenance. As regards the work done in the school and the hospital, my friend has just read out an extract from the inspection note of the Surgeon-General and, therefore, it is not necessary for me to say much more on this point. I can say this from my personal knowledge that the school with the hospital has an excellent ground, a large number of beds scrupulously clean and the medical attendance is all that can be desired. It must be known to the members who have a local knowledge of the district that Bankura is one of the poorest districts in Bengal. Leprosy and other diseases are prevalent in a marked degree in that district, and although the hospital is not meant for treating leprosy, the initial stages of that disease are treated there. This institution does not receive any recurring grant from Government, nor any capital grant was given for building or equipment. While in other comparatively richer parts of the province and in districts where there are rich *zamindars*, Government give handsome annual recurring grants for the maintenance of medical schools and have helped materially in the construction of buildings, etc., there is the spectacle of this little poor district maintaining this well-equipped hospital and well-attended school entirely out of its own resources. Mr. Sahana has just pointed out the impression which such unequal treatment meted out to the districts of the same province naturally creates in the minds of the inhabitants of the place. It is an important point and I would draw the attention of the Hon'ble Minister to this aspect of the case. It is not only on that ground that I make my appeal. Although it is a poor institution, it is doing eminently desirable work, and it is located in a district where there are not many *zamindars* or rich people. The people are extremely poor. For all these considerations it is eminently desirable that Government should extend a helping hand to this medical institution. Of all public institutions it is hardly necessary for me to say that medical institutions deserve the largest amount of support available to the province and I do hope that the Hon'ble Minister will please see his way, if it is not otherwise possible by economising in other directions, to set apart some money for this institution. I would suggest that a recurring grant of Rs. 5,000 be made to this institution and a lump grant of, say, Rs. 10,000 be given for appliances and for the extension of the building. I make this appeal on behalf of the people of Bankura not because I represent the district in this House, but I base my appeal on personal experience and knowledge of the good work done by the institution and the great necessity of a properly equipped medical institution in the locality.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I wholeheartedly support the motion just moved by my friend Mr. Sahana. I have heard all about this most useful institution from Mr. Ramananda Chatterjee. The district is comparatively poor and the humane work that is being done there deserves special consideration of the Government. The request is a very modest one and I hope the Hon'ble Minister will see his way to provide funds for it by economising in other directions.

Mr. NARENDRA KUMAR BASU: I rise to give my support to this motion. I believe it will not be disputed even by the Members of Government that it is one of the first duties of Government to provide for proper medical institution and medical aid to the people under their charge. On account of—at least they say so—financial difficulties, the medical help given by the Government to the people has been, to say the least of it, inadequate and it gladdens one's heart to see that the people of Bankura have combined together and started a medical institution to help themselves. From all that I have heard of this institution from its Secretary, who happens to be a friend of mine, and others possessing personal knowledge of its working, I am convinced that this school is doing really good work not only to the people of the district in the matter of giving medical instruction but it is also giving training to the people of other districts as well, and they are turning out quite a decent number of medical practitioners from this school. One would expect that Government would take the earliest opportunity to help an institution of this benevolent character, which is performing duties that would normally devolve on Government. This resolution is a very modest one—it simply says that Government should come to the financial aid of this institution. It is abundantly clear from what we have heard that the question of financing the hospitals and medical schools of the country is a very difficult one, because these institutions require a large amount of monetary backing and support. I see no reason why Government in the Medical Department should not make strenuous efforts to try and help this institution.

6-45 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I must confess at the outset that it is my painful duty to oppose this resolution, moved by my esteemed friend, Babu Satya Kinkar Sahana. Nobody feels more than myself for this institution, not only because it is a medical institution, but because it was started and had been maintained by private efforts. Government fully appreciate the work that is being done by medical graduates who take a keen interest in this institution.

Mr. NARENDRA KUMAR BASU: Mere lip sympathy will not do.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, it is not mere lip sympathy, as my friend, Mr. Basu, seems to think. This institution was started without any reference to Government and without any expectation of financial help from Government; but when they found that the institution was doing useful work, they placed the palatial building of the Settlement Department at Bankura at the disposal of this institution; and it is at present housed in that building. Moreover, the Sub-Assistant Surgeon in charge of the Police Hospital there has been allowed to lecture on medical jurisprudence in this institution. The students of this institution have been granted the privilege of having their medico-legal training at the Police Hospital. So, it is not mere lip sympathy, as my esteemed friend, Mr. Basu, seems to think. I wish it were possible for Government to come forward with some financial assistance and I am anxiously waiting for improvement in the financial situation when it will be possible for Government to do so. Government maintain five medical schools in the five divisions of this province. That was the policy laid down by Government several years ago—that there should be, at least, one medical school in each division. There is one at Burdwan, and Bankura is in the Burdwan division. Besides, there is the Campbell Medical School. As Mr. Sahana himself has pointed out, Government spend nearly Rs. 3,00,000 on these schools. The policy of Government is not to multiply medical schools, but to improve the standard of the existing ones. If money were available, they would gladly improve the medical school at Mymensingh and the one which was recently opened at Jalpaiguri, but for want of funds, they have not been able to discharge that obligation. Mr. Sahana accused Government of discriminatory treatment. But charity begins at home as we all know; Government must do justice to their own institutions first, must discharge their own obligations first before they can take up the responsibility of others. The report of 1929-30 shows that the Anatomical Department of this institution has been well equipped with a demonstration hall and museum. It has a well-organised Physiological Department which is equipped with up-to-date instruments. The teaching of medico-legal subjects is very satisfactory. From 1926 up to 1930 the institution had a closing balance of Rs. 12,000 every year. So, I do not think that even so jealous a champion of this institution as my friend, Babu Satya Kinkar Sahana, can say that it is in need of financial assistance from Government. Government had to give up the idea of opening medical schools in Berhampore and Chinsura and had to refund large sums of money which was placed at their disposal by the Maharaja of Kasimbazar and the Maharaja of Lalgola.

They could not take advantage of their munificence because they could not find money for recurring expenditure. It is considered a waste of money to multiply medical schools as nearly 500 medical students who pass out from the existing medical schools every year. Of these, only 60 find suitable appointments. So, I do not think there is any need at present to add to the number of medical schools. What is really needed is to improve the standard of teaching. I agree that this school is doing useful work and I am sure that when the financial condition of Government improves, it would come to its help as also to that of many other institutions. They granted some capital expenditure to the Calcutta Medical Institute, namely, Rs. 50,000, of which Rs. 25,000 was paid last year. Rupees 8,00,000 has been paid to the Jatiya Ayurbijnan Parishad and Rs. 1,00,000 is still due, for which provision has already been made in the budget. So, it cannot be said that Government is indifferent to the cause of private medical schools. As I have said, I am anxiously waiting for the day when the financial situation will improve and it will be my pleasant duty to come forward with some financial assistance to this school. I hope on this assurance, Mr. Sahana will kindly withdraw his resolution.

Babu SATYA KINKAR SAHANA: Though past experience of broken promises and unfulfilled assurance has made us cautious yet——

Mr. PRESIDENT: Are you going to withdraw your resolution? In that case, you must do so unconditionally.

Babu SATYA KINKAR SAHANA: I take the assurance given by the Hon'ble Minister in the spirit in which he has given it and I ask leave of the House to withdraw my resolution.

The motion of Babu Satya Kinkar Sahana was then, by leave of the Council, withdrawn.

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 3rd August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 3rd August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 110 nominated and elected members.

STARRED QUESTION

(to which oral answer was given).

Prisoner Ramsundar Singh.

***11. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that one Ramsundar Singh of Garbeta (in the district of Midnapore) was transferred from the Midnapore to the Rajshahi Jail on or about the 1st of May, 1932?

(*b*) Is it a fact that after his transfer to the Rajshahi Jail, the said Ramsundar Singh went on hunger-strike?

(*c*) Is it a fact that the cause of this hunger-strike was that the prisoner had been denied the use of his *mala*, *kanthi* and *puja* things?

(*d*) Will the Hon'ble Member be pleased to state whether there is any objection to the granting of Hindu prisoners reasonable facilities for the observance of their religious practices?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state why the use of *mala*, *tilak* and *kanthi* was denied in this case?

(*f*) Is it a fact that Moslem prisoners are granted the privilege of wearing a special type of *jangya* so as to comply with the requirements of their religious practice?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) and (*c*) Yes.

(*d*) No objection, unless a prisoner disobeys jail rules.

(*e*) The member is referred to the answer given to question (unstarred) No. 1 (*a*) and (*b*).

(*f*) Yes.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the use of his *mala*, *kanthi* and *puja* things was denied to this prisoner after he had disobeyed some jail rules?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the prisoner was deprived the use of these articles as a measure of punishment?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether in the Jail Code there is a provision for stopping prisoners from these religious observances?

The Hon'ble Sir PROVASH CHUNDER MITTER: Under the Jail Code there is no general provision allowing the use of *mala*, etc., but the matter is left to the discretion of the Inspector-General of Prisons and the Superintendents of Jails.

Mr. SHANTI SHEKHARESWAR RAY: What I want to ascertain from the Hon'ble Member is whether as a measure of punishment the prisoner was deprived of his *mala*.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add. I have already answered.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he approves of the action taken by the Superintendent?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is an expression of opinion.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Closing of civil courts of Dinajpur on account of certain Muhammadan festivals.

10. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that in most parts of the Dinajpur district and in the head-quarter town, the last *Iduzzoha* festival took place on the 18th April, 1932?

(*b*) Is it a fact that the civil courts at the Dinajpur town remained closed on that account on the 17th April, 1932, only as a general holiday but on the 18th April all civil courts in the town were open, causing great inconvenience to the Mussalman litigants and Mussalman pleaders and public in general?

(*c*) Is it a fact that when the Mussalman pleaders were actually engaged in the *Iduzzoha* prayer, a very big suit was dismissed for default in the local Subordinate Judge's Court on the 18th April, 1932, parties and their pleaders being Mussalman?

(*d*) Is it a fact that the Mussalman public and Mussalman pleaders submitted a petition to the District Judge, Dinajpur, on the 10th April, 1932, praying that the 18th April might also be declared as a holiday, as in accordance with the visibility of the moon at Dinajpur the *Iduzzoha* was to come off on the 18th April and not on the 17th April, 1932?

(*e*) Is it a fact that no answer was given by the District Judge to the said petition?

(*f*) Is the Hon'ble Member aware that no holiday was granted on the 18th April to the Mussalman litigant public and their pleaders causing great inconvenience and pecuniary loss in some cases and also wounding their religious feelings?

(*g*) Is it a fact that local criminal courts and revenue offices were closed on the 18th April?

(*h*) Is the Hon'ble Member aware that the dates of the holidays for Mussalman festivals, especially of the two *Ids*, are regulated according to the visibility of the moon?

(*i*) Is the Hon'ble Member aware—

(*I*) that in the civil courts of the Dinajpur district headquarter town no holiday was granted to the Mussalman litigant public and Mussalman pleaders (holiday was granted only to Mussalman officers) on the last *Akheri-chahar Shumba* day (29th June, 1932);

(2) that the Mussalman pleaders and litigant public petitioned to the District Judge five days ago for a holiday on the 29th June, 1932, on account of *Akheri-chahar Shumba* but no reply even was given to the petitioners by the District Judge at Dinajpur;

(3) that the local criminal courts and revenue offices remained closed on the 29th June, 1932, on account of *Akheri-chahar Shumba* festival; and

(4) that the Mussalman public of Dinajpur were touched and moved for the refusals in granting holidays on important festival days?

(j) Will the Hon'ble Member be pleased to state whether there is a High Court rule that if the Executive Officers declare any day a local holiday the civil courts are also to do the same?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (a) Yes.

(b) No. The civil courts at Dinajpur remained closed on the 16th as well as the 17th April, 1932, on account of *Iduzzoha*. On the 18th April, 1932, they were open.

(c) No. There was only one suit dismissed for default in the Subordinate Judge's Court at Dinajpur on 18th April, 1932. One only out of the six pleaders for the plaintiff was a Muhammadan and the rest of the pleaders and all the parties in the suit were Hindus.

(d) A petition was submitted by some Muhammadan pleaders.

(e) Orders were passed by the Additional Judge in charge, the District Judge being away from headquarters.

(f) The courts remained open on the 18th April.

(g) Yes.

(h) Government are aware that the visibility of the moon is a factor in determining the date of the two *Ids*. Civil court holidays are fixed by the Hon'ble High Court.

(i) (1) Yes; 29th June was not observed as a holiday in the civil court.

(2) Some Muhammadan pleaders submitted a petition to the District Judge who was then away from the headquarters. The petition was sent to him and he passed orders on it.

(3) Yes.

(4) No such information was received by Government.

(j) The High Court have laid it down that the civil court shall remain closed on such days as are observed as local holidays in the Executive offices.

Maulvi SYED MAJID BAKSH: With reference to answer (*f*) will the Hon'ble Member be pleased to state whether the courts remained open on the 18th of April accidentally or intentionally?

The Hon'ble Mr. R. N. REID: Intentionally.

Maulvi SYED MAJID BAKSH: Why on *Iduzzoha* day the courts were intentionally left open?

The Hon'ble Mr. R. N. REID: I would ask for notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether in view of the fact that at 11 o'clock when the courts were open, it was known that *Id* was going to be observed the courts took any steps for the convenience of the litigants and lawyers with a view to allow them to observe the *Id*?

The Hon'ble Mr. R. N. REID: I would ask for notice.

Process-servers, Dacca civil courts.

11. Mr. K. C. RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the process-servers of the Dacca civil courts are often employed by the District Judge to do his shopping?

(*b*) If the answer to (*a*) is in the affirmative, why is this violation of the orders contained in the Judicial Department Circular Nos. 71-93, dated the 27th May, 1931, being permitted?

The Hon'ble Mr. R. N. REID: (*a*) No.

(*b*) Does not arise.

Dacoities, etc., committed in Bengal.

12. Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1930, 1931 and up to June, 1932, the number of dacoities, burglaries and thefts, respectively, committed in the different districts of the province?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): A statement is laid on the table. The figures of cases returned as true for 1932 are not available.

Statement referred to in the reply to unstarred question No. 12, showing the number of dacoities, burglaries and thefts for the years 1930, 1931 and up to June, 1932.

District.	Dacoity.			Burglary.			Theft.		
	1930—True cases.	1931—True cases.	1932—Reported cases up to June.	1930—True cases.	1931—True cases	1932—Reported cases up to June.	1930—True cases	1931—True cases.	1932—Reported cases up to June.
24-Parganas ..	81	98	67	2,050	2,031	1,056	1,432	1,208	689
Nadia ..	64	106	45	1,079	1,045	428	607	611	292
Murshidabad ..	32	51	32	856	854	324	476	453	253
Jessore ..	18	32	29	1,379	1,458	826	480	485	345
Khulna ..	35	63	66	1,088	1,247	645	536	544	292
Burdwan ..	94	104	49	851	917	525	837	793	512
Birbhum .	37	54	30	336	293	151	345	334	210
Bankura ..	22	22	21	220	232	146	245	205	150
Midnapore ..	143	261	163	686	883	385	832	793	377
Hooghly ..	45	56	49	511	502	274	477	450	243
Howrah ..	33	46	35	436	364	170	1,127	829	380
Rajshahi ..	24	64	32	791	765	304	534	477	249
Dinajpur .	60	126	62	803	722	356	697	728	254
Jalpaiguri .	20	41	24	335	362	214	304	296	167
Rangpur ..	89	152	58	2,093	1,896	1,037	1,012	1,025	470
Bogra .	26	81	29	632	550	310	423	352	217
Pabna ..	22	43	36	1,343	1,310	903	428	469	443
Malda ..	21	64	32	368	412	174	242	299	117
Darjeeling ..	7	10	3	183	205	95	299	307	185
Dacca .	68	150	108	2,499	2,523	1,382	864	935	499
Mymensingh ..	64	117	70	2,836	3,267	1,755	864	880	398
Tippera ..	26	44	36	1,688	1,675	1,268	610	680	258
Bakarganj ..	43	66	63	2,329	2,056	1,224	778	659	427
Faridpur .	12	33	34	973	1,102	719	320	380	225
Noakhali ..	2	1	6	430	501	434	221	212	158
Chittagong ..	15	44	47	585	502	317	296	297	188
Total ..	1,103	1,929	1,226	27,380	27,674	15,422	15,306	14,701	8,007

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to the statement referred to in the answer, will the Hon'ble Member be pleased to state the number of cases detected in the district of Dacca?

The Hon'ble Mr. R. N. REID: I would ask for notice.

NON-OFFICIAL BUSINESS

RESOLUTIONS.

(on matters of general public interest.)

Future Bengal boundaries.

Mr. NARENDRA KUMAR BASU: I beg to move that this Council recommends to the Government to move the Government of India for the appointment of a commission to readjust provincial boundaries in order to bring all Bengali-speaking people under one and the same provincial administration.

Sir, I do not think that a long speech is required to commend this motion to the unanimous and enthusiastic acceptance of the House. Sir, it is not a new question at all. This has been on the tapis for a very long time indeed. Members of the House will remember that the principal cause of agitation over the partition of Bengal was that it was suspected that it was a move to try and emasculate the Bengali-speaking population by dividing them. It will be in the recollection of the members who have followed the subject that in the Despatch of August, 1911, Lord Hardinge, the then Governor-General, said in so many words that the Bengali-speaking people ought to be reunited. That principle was accepted by the Secretary of State in his Despatch in reply to Lord Hardinge's Despatch. It will also be in the recollection of the House that His Most Gracious Majesty in the Imperial Durbar of 1911 announced the undoing of the partition of Bengal. His Majesty was graciously pleased then to state that the redistribution of provincial boundaries would be taken up shortly. Sir, we have been waiting for "shortly" since 1911 till to-day, 1932. I do not want to characterise this disobedience of His Majesty's command. Then, Sir, we remember that in 1928, when the All-Parties Conference met under the late Pandit Motilal Nehru, they also, in their report, unanimously stated that the redistribution of provincial boundaries was necessary. Well, that was a non-official body. In June, 1930, the Simon Commission also went into this matter; in the second volume of their report they dealt with the matter. I shall not tire the patience of this House by reading a considerable portion of the report, but I will just read two or three sentences. This is what they said:—

"There is a considerable body of opinion in India which calls for some readjustment of boundaries and redistribution of areas, and we entirely share the views of those who think that the present arrangement is not altogether satisfactory. The existing provincial boundaries in more

than one case embrace areas and peoples of no natural affinity, and sometimes separate those who might under a different scheme be more naturally united."

Then again later on they say:—

"If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality."

Later on they say:—

"Most important of all, perhaps, for practical purposes, is the largest possible measure of general agreement on the changes proposed, both on the side of the area that is gaining, and on the side of the area that is losing, territory."

Sir, the next official pronouncement to which I wish to draw the attention of the House is the despatch of the Government of India on constitutional reforms; but before I do so I would point out that after discussing the cases of Orissa and Sind, the Simon Commission stated as follows:—

"As long as the Government of India was entirely centralized, and both the administration and the finance of any area were provided and directed from the Centre, the line taken by a provincial boundary was of less importance. But now that the provinces have a real political existence of their own, the situation is changing, and if, as we hope, the time is coming when each province will not only have its own provincial Government and its own provincial resources, but will form a unit in a federated whole, it is extremely important that the adjustment of the provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-distribution will be still more difficult to correct. We, therefore, propose, and we regard it as a matter of urgent importance, that the Government of India should set up a Boundaries Commission with a neutral Chairman which would investigate the main cases in which provincial readjustment seems called for, and should endeavour to work out schemes with a view to seeing how far agreement is possible."

Sir, it is rather interesting to find that after this expression of opinion from the Simon Commission, the Government of India in their Despatch on constitutional reforms of September, 1930, permitted themselves to use this language after dealing with Orissa and Sind:—

"Other possible readjustments of provincial boundaries should, in our view, stand over until opinion has more clearly expressed itself. It will be for the new administrations themselves to take up such cases as they arise."

I submit Sir, that it is very difficult to understand the logic, if any, of the Government of India's language when they framed these words. How, after the units of the federation have begun to work and have started working on their own financial and other adjustments, it would be possible for the new administrations to take up the case of the re-adjustment of boundaries is more than one could understand, and not only that, it is against the law as it stands.

3-15 p.m.

Under section 60 of the Government of India Act, the Governor-General in Council may, by notification, declare, appoint or alter the boundaries of any of the provinces into which British India is for the time being divided. It is not for the provincial Government or the provincial administration—these are the words the Government of India used in their Despatch—to carve out the boundaries, furthermore it is not for the provincial administrations to try in the language of Nawab Musharruf Hosain to "rob each other." This question was brought before the Council of State in February, 1931, by a resolution proposed by a Behar member to take up some districts from the United Provinces. In reply to that, the Leader of the House, the Hon'ble Sir Brojendra Lal Mitter, speaking on behalf of Government, said: "Now, Sir, what is the principle upon which the Government of India may take action? I shall refer the Hon'ble Member to the report of the Joint Select Committee of Parliament to consider the Government of India Bill. They reported as follows: 'They do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Councils of the provinces'." After making that observation the Hon'ble Sir Brojendra Lal Mitter goes on: "The Government of India attach great importance to two conditions: First, there must be genuine and forceful public opinion in favour of the particular change, and, secondly, that expression of opinion must be in the local Legislative Council." Sir, so far as genuine public opinion on this matter is concerned, I submit it needs no demonstration, and I am asking the House to-day to give expression to the second condition which the Hon'ble Sir Brojendra Lal Mitter, speaking on behalf of the Government of India, stated was necessary to make the Government of India move in the matter. Sir, so far as the merits of the question are concerned, I do not think it is necessary for me to labour the point. As has been pointed out, times without number, the provinces, as they now stand, have not been delimited in a very reasonable manner, they are what I may call merely a fortuitous concourse—not of blind atoms, but of seeing and speaking human beings belonging to different nationalities. It has been admitted on all hands that one of the greatest and most cogent elements for the unification of a people is their linguistic unity. I need not labour the point because it is admitted on all hands, and, Sir,

it is absolutely well-known that language as a rule corresponds with a special variety of culture, of traditions and of literature. I hear someone saying that probably this principle may not apply in the case of people professing different religions. I do not think so, and with all due respect to other people who may hold that view, I say that so far as the Bengali-speaking people are concerned, be they Hindus, Muhammadans or Christians, they are united by one great bond of a common language, and that is a bond which no difference of religion can possibly overcome. Speaking of the Government of India's decision, proposal rather, that this is a matter which might be taken up by the local administrations themselves after federation had begun to work, I may point out that apart from the Simon Commission Report, Sir William Barton, a retired Civilian of great repute who retired as Resident of Hyderabad, writing in the *Contemporary Review* of February, 1931, said that "homogeneous provinces must be constituted as self-governing units," and he added a quotation from the Simon Commission Report, "once the mould has set, any mal-distribution will be still more difficult to correct."

Sir, the next point that I wish to make is that according to the census of 1921, about 12 per cent. of the Bengali-speaking people are outside the administration of the Province of Bengal. That statement has only got to be made to demand the removal of the present boundaries, and to call for a redistribution of the boundaries. Now that Federation is going to work in the near future and that we have been given one year's life in extension in this Council so that the new Federation may come into being after a year, the question of all questions is the financial question. We cried ourselves hoarse over the inequities of the Meston settlement. Well, Sir, the Federal Finance Committee's report does not attempt to put us in funds any better than the Meston report did. Members of this House, at least some of them, may be aware that at a Conference at the Town Hall the other day all sections of the people and all the principal associations of Bengal were united in their demand for a revision of the recommendations of the Federal Finance Committee. Well, Sir, I should say that if the provincial boundaries of Bengal are readjusted, then the Bengali-speaking people of Manbhum, portion of Singhbhum, portion of Purnea, portion of the Sonthal Parganas, a portion of Bhagalpur, Sylhet, Cachar and Goalpara are brought in, and not Lahore, as in the opinion of my friend Mr. Abul Kasem——

Maulvi ABUL KASEM: But there are Beengali-speaking people in Lahore.

Mr. NARENDRA KUMAR BASU: My friend wants to be humorous, he thinks probably that the proposal is that wherever there

are Bengali-speaking people, they should be brought into Bengal. Thi may appeal to the intelligence of my friend, Mr. Abul Kasem, but tha is not the view of the mover of the resolution, nor of any other sectio of the House. Sir, as I was proceeding to suggest to the Council, th financial question is a question of great importance and if the coal-bea ing areas of Manbhum and Singhbhum are brought into Bengal, ther will be a great impetus given to solving the question of the financia difficulties of Bengal. (A VOICE: What about Bihar?) I am not cor cerned with Bihar. Bihar has got its own Council, its own advocate to plead its cause; Bihar can look after itself. It is for us to make ou recommendation, and it will be for the Commission, which will be neutral Commission, to see that justice is done between province an province. The anxiety of my learned friend for the welfare of Biha reminds one of the anxiety of the step-mother for the child. Bihar ha got to look after itself, and it is not as if by a *fatwa* of this House, an by the advocacy of Mr. Abul Kasem, that this question will be decided It will be decided by a Commission, appointed by the Government o India and I am quite sure that that Commission, with a neutral Chai man, will try to do justice between province and province. I am tryin to show to such recalcitrant members of this House as are still of opinio that all Bengali-speaking people should not be united, I am trying t show to them that there are advantages in favour of this resolution. am not speaking to a majority of this House who are absolutely awar that this is a good case. I do not understand why there should be an difficulty created by Bengali-speaking people, be they Hindus or Muhan madans, to a proposal of this description. It may be that the eyes o some Bengali-speaking people are turned towards countries other tha India, or to provinces other than Bengal, but they ought to remembe that they have got to be in Bengal and that they derive their whol nurture from Bengal. I shall not say that the majority of those peopl are descendants of Bengalis; they may repudiate that, but for genera tions they have been nurtured in Bengal, in Bengali towns. It may b that they have tried to ape the mother tongue of other provinces, bu Bengali is their mother tongue and I do say that it is only right an proper that all Bengali-speaking people should try and unite themselve

In Cachar, as is well known, 66 per cent. of the people speak Bengali and if you exclude the hill population, almost 99 per cent. In Sylhe there are 93 per cent. of people who speak Bengali. I am talking o the census of 1921 because the figures of 1931 are not before me. I Goalpara 69 per cent. of the people talk Bengali; about one-third of th population of Purnea, the Sonthal Parganas and Bhagalpur spea Bengali. Sixty-six per cent. of the people of Manbhum speak Bengal and the entire population of Pargana Dhalbhum in the district o Singhbhum speak Bengali, cent. per cent. Is there any reason on eart why these men, women and children should be kept out of their mothe province and be denied the amenities that they are entitled to in Bengal

They are treated as pariahs in other provinces; their political rights in those provinces are almost negligible. The domiciled Bengali in Bihar has got a very hard lot, and if self-determination be the order of the day, I do not know with what voice it can be said that these Bengali-speaking people should not be brought into one homogeneous entity. Sir, as I was saying regarding Manbhum and Singhbhum, their principal industry is the coal industry, which is the largest in India. On account of this arbitrary distribution of provinces the provincial boundary between Bengal and Bihar cuts into almost the middle of the coal area and the result is that the coal industry is under the administration of two provinces. These provinces have different sets of rules and laws, and moreover, so far as our share of the income-tax is concerned, we lose a good deal of it on account of this arbitrary division.

3-30 p.m.

I am afraid that what is weighing with one section of the House is that the proportion between Hindus and Muhammadans may be disturbed if there is a readjustment of boundaries. I shall say this at once to reassure them that so far as I can calculate (I am trying to calculate on the basis of Census figures of 1921), I do not find that even if the whole of the districts of Sylhet, Cachar and Goalpara from Assam and other districts from Bihar came into Bengal the Hindus will be in a majority to begin with. So my learned friends may possess their souls in patience.

Another thing that may be brought up against my proposal is that the proportion of the Muhammadan majority may be disturbed. I do acknowledge that that may be disturbed but the proportion of the majority is not God-given. Hindus at one time were cent. per cent. in Bengal. Muhammadans were in a minority 40 years ago but on account of their better propagation they are 54 per cent. now. I doubt not, if they go on at that rate they will be 15 per cent. more in a very few years. They need not be afraid of a temporary fall in the percentage of their majority because with their ratio of births, there is absolutely no reason why the same proportion of majority will not be reached very soon. I submit there is no criticism to this proposal that I have so far seen outside this Council that is of any real substance and I hope this resolution will be carried unanimously.

Maulvi TAMIZUDDIN KHAN: I am one of those unfortunate persons who do not agree with Mr. Basu and who will, therefore, earn the opprobrium of raising a controversy over a matter in which, according to him, there ought to be no difference of opinion at all. This resolution seeks to recommend that all Bengali-speaking people be

brought under the same provincial administration. The reason apparently is that people speaking the same language should be brought under the same administration. Nothing need be said against this principle in the abstract. But unfortunately the world is not always guided by abstract principles and there are certain abstract principles which are particularly difficult of application to concrete facts. Such is to my mind the principle that all persons speaking the same language should be under one and the same administration politically. In India, for example, Hindusthani or Hindi or Urdu by whatever name we may call that language is the most extensively spoken language. Now, if the above mentioned abstract principle is to be applied to this case then all the people speaking Hindusthani should be brought under the same provincial administration. In that case the United Provinces, the Punjab, Bihar and the Central Provinces administrations will have to be dismembered, and some of these in their entirety and others in part will have to be incorporated together under a huge and perhaps unmanageable provincial administration. But these Hindi-speaking people of these different provinces have never advanced the claim that they should be brought under the same provincial administration. If this principle is to be applied to countries outside India, Ireland should never have gone out of the British administration, the British Isles, Canada, Australia and South Africa should have been brought under the same—should I say—provincial administration, the different states constituting the United States of America should all have been amalgamated into one provincial administration. The world, however, is wise enough not to think of a drastic application of the principle setting aside all practical considerations.

So far as allocation of boundaries on linguistic basis is concerned, of all the provinces in British India, Bengal is certainly the most fortunate. As far as practicable all the Bengali-speaking people are already under one and the same administration. Not so the Hindi-speaking, the Marathi-speaking, the Gujrati-speaking, the Tamil-speaking, the Telugu-speaking or the Canarese-speaking people. So a demand on behalf of Bengal for the establishment of Boundary Commission does not on the very face of it seem to be based on solid foundations.

Let us now examine the grounds stated by my esteemed friend for the setting up of such a Commission. He has stated that some districts like the Sonthal Parganas, Manbhum, Singhbhum and Purnea in Bihar and some like Sylhet and Goalpara in Assam should properly come under Bengal. The majority of the people-inhabiting districts like the Sonthal Parganas, Manbhum and Singhbhum are ethnologically speaking different from the people of Bengal. There are also geographical differences between these hilly tracts and the plains of Bengal. The language spoken by them is a mixture of Hindi and Bengali. The language of people living on the borders of provinces divided from others

on linguistic basis almost always exhibit such admixture of dialects. For example, the people living on the Bihar borders of the districts of Midnapore, Birbhum, Bankura, Malda and Dinajpur also speak either Hindi or a mixture of Hindi and Bengali. Now Bihar can claim those tracts equally logically if Bengal is to claim the other districts mentioned before. It is also to be taken into consideration that Bengali is a language very much akin to Hindi and, therefore, the claims of both Bihar and Bengal to these border districts cannot but be equally strong. In fact, however carefully one may allocate boundaries it is impossible to give effect to the principle of distribution of boundaries on linguistic basis to its very letter. In every case there must be some discontents. Again, we cannot forget that if only Bengali-speaking people are to be huddled together under one administration we can on no ground retain Darjeeling, the Queen of Hill stations, Kurseong and Kalimpong and other hilly tracts inhabited by hillmen whose language is not Bengali.

There is another aspect of the question. However much we the Bengalees of Bengal may desire that all Bengali-speaking people or areas inhabited by Bengali-speaking people should be brought under the same provincial administration, the wishes of people whose destinies we are dabbling with must needs be consulted. Are these people also equally or at all eager or willing to be brought under the provincial administration of Bengal? As far as we know some at least of the districts contemplated are not willing to come under the Bengal administration. We all know Bengalees outside Bengal are mostly holding very good positions in the various provinces where they are living. We consider the Bengalees to be a specially gifted people and in provinces outside Bengal they have given ample proof of their worth and are on the average, on account of the favourableness of the circumstances under which they are placed, far better off than we Bengalees in Bengal. Naturally enough, therefore, they will not like the idea of giving up these advantages for the doubtful advantage of being placed under the same administration with their other Bengali-speaking brethren.

The only valid ground on which my friend can ask for a commission is sentiment which admittedly plays a large part in the determination of human affairs. If only sentiment is to be consulted I frankly confess that as a Bengalee I feel exhilarated at the idea that all the people who speak my language should be brought under the same provincial administration. But as I have already shown the heart and the head are at variance so far as this question is concerned. The head is loath to concede what my heart desires.

One apparently substantial ground can be advanced and has been advanced in favour of the view that all Bengali-speaking people should be brought under the same provincial administration. It is this that in

that case the rich mineral resources of districts like that of Manbhum will be ours and it has been asked how as Bengalees can we brush aside this prospect of material advantage to our own dear province? But should we not pause and ponder that there can be just another aspect of the question and that our sister province of Bihar may have a say in the matter. My friend, Mr. Basu wants to rob Peter to pay Paul but he forgets that Peter is wide awake. It is only in to-day's paper we have noticed that a sharp protest has been raised at the special session of the Andhra Mahasabha held at Bezwada against the recommendation of the Orissa Boundary Committee, and a strong deputation of the Andhras of Ganjam has arrived at Madras to represent to the members of the Madras Legislative Council, which is to consider the report, the Andhra side of the case. Now, can we imagine what we are willing to grab will be easily given up by the Biharees? It is inevitable that the setting up of a Boundary Commission as proposed will raise very serious quarrels with Bihar or Assam and is it at all advisable that such interprovincial dissentions should be courted at the present critical situation in the country? What with the economic depression amounting to a veritable disaster and what with the political turmoil and tribulations that we are passing through it will be most inadvisable and inopportune to involve several sister provinces into a fratricidal, if I may use the word, war. Moreover, this talk about gain very ill befits our tongue at this hour. Time was when Bihar, Orissa and Assam with all their God-given resources were ours. I do not say it was improper, but we should remember, that it was as the result of our agitation that all these rich tracts were taken away from us and the apparent fruition of our labours made us blind at the time to the material loss for all time to come that the Bengali-speaking people sustained. When we talk of material resources what is Manbhum compared to the whole of Bihar and Orissa, and Sylhet and Goalpara compared to the whole of Assam? We can never dream of recovering what we have once with our own hands, as it were, given away. Therefore this argument of material advantage does not now appeal to me.

In conclusion I would like to say that division of a class of people speaking the same language into several provinces does in no way affect their common brotherhood and homogenity. The Hindi-speaking people of Bihar, the United Provinces, the Punjab and the Hindusthan Central Province never dream of coming under the same provincial administration. That we are all under the same Central Administration like the different states constituting the United States of America should be a sufficient bond of unity if that alone were the objective.

The resolution under consideration apart from its intrinsic demerits is a most inopportune one as I have already stated and I hope my hon'ble friend will be well advised if he sees his way to withdraw the same.

3-45 p.m.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I congratulate Mr. Narendra Kumar Basu on his bringing forward this resolution at this opportune moment. I am glad to find that the House has at last awakened to the necessity of considering the boundary problem in respect of Bengal, because I have always held the view which I would like to press here that unless Bengal can command her natural boundaries, she would function hopelessly in any future scheme of constitution. When the partition of Bengal was annulled in 1911 and the Bengal Presidency was reduced to the smallest in area of Governor's provinces except Assam, though it has more inhabitants than any other province, it was absolutely an artificial creation. The cultural, linguistic, social or ethnological traditions were shaped and only administrative convenience was consulted. As a result the districts having linguistic and social affinities with Bengal were tacked on to foreign units giving rise to mal-adjustment. The Simon Commission referred to the anomalies involved by saying: "In India there are only a number of administrative areas which have grown up almost haphazard as the result of conquest, suspension of former rulers or administrative convenience. No one of them has been deliberately formed with a view of its suitability as a self-governing unit within a federated whole." Now, when the constitution of the country is going to be shaped on federal basis, utmost precaution must be taken to preserve the integrity and compactness of its components on which the success of federal government depends. The districts of irreconcilable differences artificially unified by the thread of administration would remain a potential source of troubles militating against efficiency. Accordingly, to ensure the success of a federal constitution and the creation of a scientific unit, the natural boundaries of Bengal, such as Manbhum and Singhbhum, Purnea and Bhagalpur in the province of Bihar and Orissa, and Sylhet and Goalpara in Assam should be given back to her, thereby removing the anomalies which stood in the way of the full development of the province. On the eve of the federation when the provinces are going to be autonomous units with their size, shape and resources unalterably fixed, Bengal must not let go her fundamental right to be reconstituted a linguistic unit. Bengal being deprived of the Bengali-speaking areas outside the presidency has suffered both politically and financially—politically, because the consciousness of a homogeneous whole has not pervaded among all the Bengali-speaking areas, and financially, because some of the richest mineral districts and tea plantations have been tacked on to the provinces of Bihar and Assam, respectively. Bengal has been a deficit province and if the province had enjoyed the amalgamation of the Bengali-speaking mineral districts in Bihar and tea plantations in Assam, the wrongs of the Meston Award could not have made her low and prostrate. The following may be taken as the Bengali-speaking areas outside Bengal, *viz.*, Dhalbhum,

Manbhum, Pakur subdivision of Sonthal Parganas, Kissenganj subdivision of Purnea district, a large part of Bhagalpur district and Goalpara and Sylhet in Assam.

Thus we find that the problem of boundaries is a vital problem with Bengal. It is not only a political problem but also problem of her resources. Bengal cannot afford to lose permanently her territory and her man power. It grieves us at the same time to learn when the Government have appointed commissions and committees for the formation of Sindh and Orissa into separate provinces, they have not thought fit to appoint a Bengal Boundaries Commission. By appointing such a Commission and reconstituting Bengal a linguistic unit, Government would only redeem the pledge given by Lord Hardinge, which was endorsed by His Majesty the King-Emperor in his memorable Durbar speech of 1911.

With these words I support the resolution.

MUNINDRA DEB RAI MAHASAI: Sir, the motion just moved by my friend Mr. Narendra Kumar Basu has my hearty support. We are on the threshold of great constitutional changes, autonomous Bengal looms large in the horizon and the fruition of the dreams of our great leaders are well within sight. The time has come when a move for the readjustment of provincial boundaries has become essential in order to bring all Bengali-speaking people under one and the same provincial administration. Common language and custom and common civilisation played an important part in the formation of a nation. This gives them a sense of unity and distinction from others. With the creation of autonomous Bengal, the Bengalee nation will come into being. It is the consciousness of political connection and unity which lifts the nation above the common level. If a whole nation or the major part of it belongs to one people, it is naturally pervaded by the common spirit, character, language and customs of the people. If it is composed of parts of different people such as is the case with the province of Bihar and Orissa—a most unnatural combination of Biharis, Oriyas and Bengalees, etc.—the community of feelings and institutions are bound to be at variance. The Bengali-speaking people have been most unjustly separated from Bengal, when the province of Bihar and Orissa was created. This was rather arbitrarily done in the teeth of opposition of the Bengali-speaking people of the districts included therein. Their language, manners and customs and civilisation were different from that of the rest of the new province, yet as a subject people they had to submit to the official Ukase. Now with the improvement in their status as partners of the British Commonwealth, they are going to acquire the right of self-determination. The Bengali-speaking people of Bengal and those outside the province in the adjacent districts now want to be

united under one and the same provincial administration. It was undoubtedly a legitimate demand well worth careful and sympathetic consideration of the authorities concerned, specially on financial grounds. The mineral wealth (like coal) should be Bengal's own as it was before the creation of the new province.

The Bengali-speaking districts since attached to Bihar formed a negligible quantity in comparison with the rest of the new province and their exclusion will not in the least affect the solidarity of the Biharees but will be of immense advantage to the artificially isolated Bengali-speaking people—stranded as they are, among people who speak a different language and whose manners and customs were not identical with them. They feel their isolation very keenly and now that an opportunity has presented itself, they want to utilise it to their best advantage by returning to their own kith and kin to share in common with them their weal and woes and the latter are ready with open arms to welcome them back and strengthen their position as a nation in autonomous Bengal. The Simon Commission recommended re-adjustment of boundaries and I hope it should be based on common language, culture, common spirit, customs, manners and common civilization. These are the essentials for the formation and solidarity of the nation—a dream of the great leader who wrote: "A Nation in the Making." It may be urged that it mattered little to Bengal if Bengali-speaking people of some districts lived apart under a different administration, say of Assam or Bihar. To this I should like to point out that when great and far-reaching constitutional changes are going to be effected and when that epoch-making day will usher into existence, it would be inhuman to ignore or forget their isolated brethren. In fact, we cannot afford to lose a single Bengali-speaking individual living in the adjacent districts, in Singhbhum, Dhalbhum, Sylhet and Goalpara, be he a Hindu, Mussalman or a Christian from our fold, bound as we are with common ties—not mere physical relationship. We have to reckon with the unity of a great tradition which lay behind us. Those who live in continuous contact develop and produce a special conception of what is admirable in character or valuable in life or the place which law and Government should have. Such conceptions are embodied in institutions supported by custom and expressed in literature and other arts. A common memory and a common ideal—these, more than a common blood, make a Nation—we may judge its nature and its value as a power in political development.

I, therefore, commend the motion of my friend Mr. Basu for the acceptance of the House and I hope that early steps will be taken to appoint a Commission to readjust provincial boundaries in order to bring all Bengali-speaking people under one and the same provincial administration.

Babu SATYA KINKAR SAHANA: Sir, I whole-heartedly support the resolution of my friend Mr. N. K. Basu which is very opportune and is expected to remove the grievances and consequent discontents of those Bengali-speaking districts and parts of districts which have been forcibly thrown out of Bengal into the Province of Bihar. Sir, I have spent the greater portion of my life in the border-lands of Bengal and Bihar and mixed freely with the people; and I know fully well how this administrative *zulum*, this monstrous offspring of Partition and Re-partition of Bengal, has been cutting deep into the hearts of the people.

The mythologists of Greece creating centaurs by placing the head of a man on the body of a horse were not more anomalous than those who placed the districts of Manbhoom, part of Singhbhoom, the eastern portion of the Sonthal Parganas, part of Bhagalpur and Purnea within the Province of Bihar.

The traditions, associations, language, religious and social customs and rituals prevailing in Manbhoom, Singhbhoom and East Sonthal Parganas and the other places, all decidedly show that those parts are pure and simple Bengal. The language spoken there is Bengali: that part of the country has produced some famous Bengali writers in the past as well as in the present. Every student of Vaishnav literature knows that the poet Singha Bhupati, known as one of the best Vaishnav poets, was a king of Singhbhoom. Every student of ancient Bengali has been exploring the *Jhumur Sangit* of Manbhoom, which even now are sung by the Bauri and Sonthal women dancing in moonlight nights under the checkered shades of *mohua* trees in remote Jhalda and Tulin in the western part of Manbhoom. The *Bhadu* or *Bhatu Sangit*, which forms a part of Bengali literature, was originated in Manbhoom, the theme referring to a family tradition of the Rajas of Pachet or Panchakote, which is one of the oldest families in the world—the present Raja being the 128th in descent from the originator of the family. This *Bhatu Sangit* is still sung in the month of *Bhadra* by young girls in Manbhoom Sadar subdivision of Bankura and the Asansol subdivision of Burdwan. Even a few years back the East Sonthal Parganas produced Shakharam Ganesh Deoskar, a fluent Bengali writer and the then Editor of *Hitabadi* of this city.

4 p.m.

Sir, the rites and rituals prevailing in those parts are purely Bengali. The innumerable *Durga Pujas*, *Kali Pujas*, *Kartic Pujas*, *Jagadhatri* and other *pujas* that are performed there are performed with the *mantras* and under the directions of the very *Tantras* that are followed in Bengal. The *Sasthi*, *Makhal*, *Manasha*, *Itu* and other *pujas* are the same there as in Bengal. On the occasion of *Satya Narayan Puja* the same *Rameswari Katha* as in Bengal is recited there. The *Sabitri*, *Ananta*,

Siba-Chaturdasi and other *bratas* performed by the womanhood there are the same as in Bengal. The matrimonial alliances of the people there are generally with the people of Bengal and consequently the ceremonies are identical with those of Bengal.

Sir, we eke out from old Bengali literature that even in the 17th century South-West Bengal was divided into many Bhooms: The Malla Bhoom, the Samantha Bhoom, the Tunga Bhoom, the Sikhar Bhoom, the Dhabal Bhoom or Dhalbhoom, the Manbhoom, the Birbhoom are some examples. Manbhoom and Sekhar Bhoom are intertwined in the proverb "*Malley Rā Sekharey Pā*," i.e., during the *sandhikshan* of the *Durga Puja* a divine sound is heard in Mallabhoom or Vishnupur and a divine footprint is evidenced on a gold plate besmeared with vermilion in Sekharbhoom or Panchakote. Sir, names with the addition of Bhoom signify without the least doubt that the places are within Bengal. Most of the Bhooms are still within Bengal, but by an administrative freak Manbhoom, Sekharbhoom and Singhbhoom have been placed within the Province of Bihar with disastrous consequences to the people.

Sir, the people of those places are governed by the *Dayabhag* or Bengal School, but they are sometimes forcibly made to acknowledge *Mitakshara*, the school of *Smriti*, prevailing in Bihar. The court language in Manbhoom was made Hindi but as the people do not speak or write Hindi the unfortunate Bengali language has still been allowed to linger there as the court language.

Sir, it will take hours if not days to represent all the difficulties experienced by the people. I touch only a few points.

As I firmly believe that if the resolution of Mr. Basu be carried and given effect to, a great injustice will be rectified, I whole-heartedly support it with these few words.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, this is a measure which is long overdue. All Bengali-speaking people should come under one administration. This is our demand. It was the demand of the nation in the famous Partition Days. The Bengal Partition was annulled, some 20 years back, on the 12th of December, 1911, by His Majesty the King himself in his famous Delhi Durbar. We all know that. Since then Bihar and Orissa became one province and Bengal became another. But in the redistribution of areas, a large portion is transferred to Assam and out of 100, at least 12 to 13 Bengalees are now forced to live outside the province of Bengal. Is this the annulment of Bengal Partition? In eastern boundaries Assam robs Bengal of Sylhet and Cachar. Now, Sir, take the case of Sylhet. The total population of Sylhet is 25 lakhs, of which the Bengali-speaking people are 23½ lakhs! Still Sylhet has no place in Bengal. And for matrimonial relations Sylhet depends upon Bengal and Bengal depends upon Sylhet.

In western boundaries Manbhum and Singhbhum are Bengali-speaking districts and they have no place in Bengal.

Bengal's capital and industry are utilized in many places of Sonthal Parganas and Hazaribagh. There is no reason why those districts should not come under our province.

The Royal Proclamation is in our favour. The Simon Commission recommends our "regrouping on linguistic basis." The Congress and the Nehru Report pray for it. Then, Sir, who and what stands in our way? A good, and let me say, a very substantial portion of Bengal rich in mineral products has been wrongfully annexed to Bihar. I deliberately use the word "wrongfully"—and it was done against the protests of our brethren living in these areas and speaking the same tongue with us. On fundamentals and principles it is as bad as the Bengal Partition itself. With the Bengali-speaking area keeping outside Bengal the annulment of Bengal Partition is not complete yet. It is only last year that a committee was formed to readjust the boundary of all the Oriya-speaking people under one administration. So, these artificial boundaries are neither just nor unalterable. If the grievances of Oriya people are to be redressed, why should not the larger grievances of the premier province of India be redressed—on similar grounds? The agitation which followed Bengal Partition, Sir, was of Bengal's creation. And it moved the whole nation.

Bengal, Sir, is now admittedly a deficit province to the effect that we here cannot carry out any of our nation-building and constructive plans. We make speeches and go home, that's what we do.

Jute is a monopoly product of Bengal, but the 4½ crores income out of it we are to sacrifice to the India Government; let India live though it causes the death of Bengal.

And again, the portion of Bengal which is richest in mineral production—we must sacrifice to Bihar. And we shall drag on with a heavy deficit budget year in and year out. What a shame and what a farce! Sir, I beg to support this resolution with no light heart, to be sure, but with this end in view, that it is the only measure at hand to save us from the present economic disaster. There is no other way out of the present and future crisis.

Mr. J. N. GUPTA: I rise to support the motion which has been so ably moved by my friend, Mr. Basu. I congratulate him on having vindicated the honour, if I might say so, of the House by taking up this important question at a very opportune moment. He has clearly shown why this is an opportune moment. We are now about to enter

a scheme of constitution which will be much more rigid and inelastic in the future than it is now, and it will be very much more difficult to press for any changes after we have once entered into the Federation He has supported his view by reading out the views expressed by the Simon Commission on this very point and he has justly criticised the recommendations of the Government of India that the boundaries question should be taken up by provincial Governments and administrations after they have been formed into units of the Federation. That is an absolutely unmaintainable position. I think, Sir, the view which the different sections of the House will take on this important question will be a great test of the insincerity in representing the best interests of this province. I will begin by making an appeal to the Treasury Benches. At this moment the most pressing question with which the Government of Bengal and the great administrator who is at the head of this province are engaged, is the question of securing financial stability of the province. This question of regaining our lost boundaries, I mean districts of this province of Bengal, is intimately connected with this very problem. I am sorry the Finance Member is not here, for then he would have borne me out that our share in the income-tax would be greatly increased if these districts, so rich in mineral products and containing flourishing tea plantations, are restored to us, not only for what they will bring us now but also for the prospective gain in financial resources that we anticipate. After the provinces are separated as different units of the Federation they will have different financial rules and different taxes. Firms which are now at Calcutta will have to be transferred to those provinces where business is actually being carried on. Therefore, as the Bengal National Chamber of Commerce has rightly drawn the attention of Government, this is a moment when the Government must stand by us and see that our just rights are admitted and we get justice in this important matter. If they do not do so, I am afraid they will be neglecting a very important duty. To my friends of the European group I will also appeal to consider whether they will now allow any pre-conceived notions that they may have in this matter, to override the very substantial considerations regarding their own interests which are at stake in a decision on this question. As I have already said, big offices here who have business with firms in some parts of Bihar and in the tea districts of Assam will have all to be separated and they must be ready to face that contingency. If they want to avoid it this is the time when they must rise as one man and support us in getting back these districts which once belonged to us and were only artificially separated from us at different dates, some only the other day. Sylhet once belonged to us, the district of Manbhum also, as well as all the districts mentioned by Mr. Basu, all of them once belonged to us and they have all only been artificially separated from us. We must not lose sight of this important fact.

To my Muhammadan friends I will say that their decision on this question will serve as a crucial test. They may look back on their own ancestry as being quite different from that of the Hindus, we will not quarrel with them for that. But whether they are equally alive to the interests of the province with the Hindus will be judged, not by their professions only but by their deeds. If they are, I have no doubt that they will not hesitate to fight for the restoration of the old districts which once belonged to Bengal, and which now want to come to us. Surely, they are not so lacking in foresight and statesmanship as to allow their apprehensions about their majority in the province being disturbed like this to override their appreciation of the obvious advantages to Bengal which the resolution seeks to secure. My friend, Maulvi Tamizuddin Khan, has argued that if language were made the test for fixing the boundaries of a province, or for the matter of different countries in the world, then the whole of America should belong to England and England should belong to America, and the whole of northern India should be one province. But he has conveniently overlooked a very important point in the issue. He has not paid attention to the fact that it is not only because these districts are inhabited by Bengali-speaking people that we want them, but it is because they want to come to us and we want to go to them. North-Western India and the Punjab never made an appeal to the United Provinces to take them over nor, for instance, did the United States want England to come to them.

4-15 p.m.

Sir, I suppose we must be all aware that as far as Sylhet is concerned the Assam Council passed a resolution twice to the effect that Sylhet wants to come back to us.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I do not think the Sylhetis want to come to Bengal.

Mr. J. N. GUPTA: We cannot overlook the fact that a resolution was passed in the Assam Council. I do not want to inflict a long speech nor to dilate on the grounds which should be taken into consideration in fixing the natural boundaries of provinces, but I would only point out the fact that when the Statutory Commission came out to India they were specifically asked to look into all vital issues connected with the administration of the provinces, and this is one of the important issues to which their attention was drawn. They have said that this was a most vital question which must be examined before the provinces were formed as separate units of the proposed Federation. They suggested that the Government of India should set up a Boundary Commission. We claim that the Government of India should

carry out the mandate of the Simon Commission and should not try to shelve the issue by making an impossible suggestion. I would also appeal to the Government of Bengal to stand by us in this matter; for if they do not do so, their sincerity in looking after the best interests of the provinces, specially in regard to finance, will be seriously questioned by all right-thinking men. I am sorry that my friend, Mr. Tamizuddin Khan, has opposed this resolution. I do not think that what has been said by Mr. Tamizuddin Khan will induce any member of the House to vote against the motion which has been so opportunely brought before the House and I appeal to every section of the House to vote for the motion.

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, after the very lucid and eloquent speech of Mr. Basu, there remains very little for me to say on the subject nor does it require any speech to convince the members of the justice of the demand after what has been said by my friend, Mr. Gupta. I may point out, Sir, that the question has been raised since the repartition of Bengal, when His Gracious Majesty the King-Emperor annulled the partition of Bengal in his proclamation at the Durbar and announced that the new provinces would be readjusted in consultation with the Governor General and with the approval of the Secretary of State at an early date. But that "early date" has not come for the last 20 years. Probably owing to the Great War the matter was dropped. I heard from the late Sir Surendra Nath Banerjea and also from my father, who was in the Imperial Council at that time, that Lord Hardinge, the then Governor General, assured them that redistribution would be done at an early date—not only had he assured them, but he had also recommended it in his Despatch to the Secretary of State. It had been said that people speaking the same language should be brought together. From my personal experience I know how Bengalees have been disintegrated and their speech has degenerated by being put into the province of Bihar and Orissa. A few days ago I met an educated gentleman of Manbhum and I was really surprised to find that he could not speak chaste Bengali, he spoke Bengali mixed with Urdu and Hindhusthani. This is how Bengalees have been degenerated by living in another province. Apart from the financial question, which Mr. Gupta explained to you, there is another point to which I would like to draw the attention of this House, *viz.*, that the area of the present province of Bengal is the smallest of all the major provinces in India. This was pointed out to the Simon Commission. There has been another difficulty; in the province of Bengal there are no healthy places where the people can go to recoup their health, and all these healthy places have been taken out of Bengal and included in the province of Bihar and Orissa.

I shall conclude by quoting the following observations of the Simon Commission with which it closes its very short survey of the Presidency of Bengal. At page 62, Volume I, the Commission says:—

"Malaria is endemic in many other parts of India besides Bengal, but probably nowhere else are its ravages on such a widespread scale. It is hardly possible to over-estimate its effects in lowering the vitality of the population."

Sir, this was the remark made by the Simon Commission, and, as I have said, there is not a single place in Bengal where our people can go for recouping their health. Sir, with these remarks I would appeal to my European friends to consider the matter not only from this point of view but also from the financial standpoint. With these few words I support the resolution of my friend, Mr. Basu.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, the case of the readjustment of the provincial boundaries cannot be more ably and lucidly put forward than it has been done by the Simon Commission Report. "As long as the Government of India was entirely centralized and both the administration and the finance of any area were provided and directed from the centre," writes the Simon Commission, "the line taken by a provincial boundary was of less importance. But now that the provinces have a real political existence of their own the situation is changing, and if, as we hope, the time is coming when each provincial Government has its own provincial resources, but will form a unit in federated whole, it is extremely important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-distribution will be still more difficult to correct. We, therefore, propose, and we regard it as a matter of urgent importance, that the Government of India should set up a Boundaries Commission with a neutral Chairman, which would investigate the main cases in which provincial readjustment seems called for, and should endeavour to work out schemes with a view to seeing how far agreement is possible".

Sir, the force of the argument put forth above cannot be brushed aside and the Government of India realising the significance did appoint Boundaries Commissions to readjust the boundaries of Orissa and Sind.

Sind is going to be constituted as a separate province on the persistent demand of one section of her population. In spite of very great difficulties standing on the way, the Government of India have conceded to the popular demand. They have also recognised the claims of the people of Orissa to have a separate province of their own. The fundamental basis on which the boundaries of different provinces are settled is certainly the linguistic basis. The boundaries of Orissa and Sind have been adjusted on that basis. The case of Bengal is more important

than Sind and Orissa. In those cases separate provinces are going to be created. There, two existing provinces are being partitioned involving heavy financial and other difficulties.

The case of Bengal, Sir, is more simple and equitable. Before the partition of Bengal, all the Bengali-speaking tracts were included in the province. But though the partition of Bengal was annulled it was not annulled to its full extent. Several Bengali-speaking districts and subdivisions on the border were transferred from the presidency and were utilised in the formation of the two new provinces of Assam and Bihar and Orissa. This was a great injustice to Bengal. It struck at the root of her national solidarity, resulted in the loss of her revenue and weakened her numerical strength. So it is in the fairness of things that the boundaries of Bengal should be readjusted at the earliest possible opportunity. It is not the creation of a new province nor the partition of the existing one but merely the reunion of all Bengali-speaking areas which were once under one and the same administration. It is only the rectification of a palpable injustice done to the Bengali-speaking nation. In fairness to her the case of Bengal should have been taken up first of all even before Sind and Orissa.

Sir, in the census figures we find that a large percentage of Bengali-speaking people inhabiting the bordering districts, remain in exile from the presidency of Bengal to help the formation of other provinces. The districts of Sylhet, Cachar and Goalpara in Assam, parts of Manbhum, Singhbhum and the Sonthal Parganas in Bihar and Orissa should thus be amalgamated with Bengal if a Boundaries Committee be set up and an impartial inquiry be made to do justice to her. These tracts are rich in mineral resources and agricultural and industrial products; many prominent sons and daughters of Bengal have been born in these districts. It is a standing injustice to Bengal and will remain so for ever if the question is not taken up on the eve of the great constitutional changes for which we all are waiting, and in the language of the Simon Report: "Once the mould has set, any maldistribution will be difficult to correct." The mischief has already been done and the mould has begun to set, and unless it is corrected at this opportune moment Bengal will remain discontented for ever and her claims for national solidarity and developments denied.

With these words I beg to support the resolution so ably moved by my friend, Mr. N. K. Basu.

4-45 p.m.

Babu KHETTER MOHAN RAY: Sir, I heartily support the resolution moved by my friend, Mr. N. K. Basu. Before the federal constitution is granted, it is essential that the boundaries of the different provinces which will form different units of the federal Government, should be ascertained and fixed. Sir, the claim for redistribution of

boundaries of our provinces and the neighbouring provinces, is not a new one and has not arisen out of the proposed grant of the federal constitution. Agitation for the inclusion of the outlying Bengali-speaking areas within the Presidency of Bengal has been carried on ever since the annulment of the partition of Bengal and the formation of the new province of Bihar and Orissa and reformation of Assam by the Royal Proclamation in 1911. People of Bengal hailed the reunion of different parts of Bengal with delight as a Royal boon, but at the same time protested against the exclusion of some Bengali-speaking areas.

As pointed out by the mover, His Majesty the King-Emperor, in annulling the partition, also declared that the redistribution of the boundaries of the different provinces would in due course be determined by the Governor General in Council with the approval of the Secretary of State in Council. The districts of Manbhum and Singhbhum and some other parts of Bengal were annexed to the new province of Bihar and Orissa without consulting the people concerned. Though the people of this province and the inhabitants of Sylhet and Cachar and Goalpara have been pressing for inclusion of these areas in the Presidency of Bengal, the Government of India have turned a deaf ear to their representations. The Simon Commission felt the need for redistribution of the boundaries of the provinces and therefore recommended the appointment of a Boundaries Commission to readjust their boundaries. The Government of India readily conceded to the clamour of some people for the appointment of a Commission in order to examine the claims of Sind for formation of a new province though it is apparent to those who have studied the question that the constitution of Sind into a new province would be a failure financially, if not on any other grounds. Bengal has a very much stronger claim for inclusion of these areas within the province on the grounds of language, geography, ethnology and finance. Another committee was appointed by the Government to inquire into the claims of Orissa for inclusion of all Oriya-speaking people in one province. It is a matter of great regret that the claims of Bengal for inclusion of the outlying Bengali-speaking areas in it, have been systematically ignored, though the people of Bengal have been crying themselves hoarse for it for more than 20 years. It is a pity that the just claims of Bengal have been brushed aside, while the doubtful claims of Sind were inquired into by a committee. On the grounds of economy and finance these areas, which formerly formed part and parcel of Bengal, should be re-attached to Bengal. The Meston Award has placed Bengal in a sad predicament and the administration of Bengal has been carried on for some years with difficulty with a deficit budget. The districts of Manbhum and Singhbhum which are rich in minerals are as much part of Bengal as Midnapore or any other district. There is yet time to rectify the mistake committed at the time of the annulment of the partition. There cannot be any objections to the re-annexing

of the outlying Bengali-speaking areas to Bengal, which were formerly parts of Bengal. Objections, generally urged against the formation of a new province on the grounds of weakening the idea of national unity, increasing the overhead charges of administration and upsetting the balance of financial equilibrium between the different parts of the country are absent in the present case, for this is a case of a mere amalgamation of tracts which used to form part of Bengal. Instead of disturbing the finance, it will restore the finance of Bengal to a steady condition. Since the Meston Award Bengal has been passing through a financial crisis which is likely to be further aggravated by the recommendations of the Finance Committee. It is, therefore, all the more urgent that the question of restoring the Bengali-speaking areas can no longer be held in abeyance. There is another reason that the injustice done to the Bengali-speaking communities should be rectified before the new constitution is granted, as it will be much easier now to have the rectification of boundaries before the new constitution is set up. Before the introduction of the federal constitution, it is essential to examine that the British provinces are suitable units and that their boundaries are suitably ascertained and fixed. Redistribution of boundaries should not be left for the future to the federal legislature. The present time is the most opportune one for redistribution and adjustment of boundaries. The demand for restoration of those areas is most vital to the people concerned and should not be ignored.

In conclusion, I repeat again that while the committees were appointed to examine the claims of Orissa and Sind, for constitution into new provinces, Bengal's grievances in regard to the redistribution of boundaries, which are of long standing, have remained unredressed and her demands in this respect, which are vital to her national life, have been systematically ignored. We demand that the Royal pledges given by His Majesty the King-Emperor should be fulfilled.

Khan Bahadur Maulvi AZIZUL HAQUE: For the last two days both on the question of electorate as also on the question of the boundary dispute, so much appeal has been made to the Simon Commission Report that for the first time I am tempted to think that it is being realised that there is something in this document which is worth going into. Well, besides that point, I feel on a question like this we ought to very seriously ponder as to the consequences which might ensue if this resolution is carried. I must at the outset say that I am a Bengalee, proud of its language and literature, and nobody is more anxious than myself that all Bengali-speaking people, wherever they might be within a reasonable distance from the present territorial limits of Bengal, should come and join us in our weal and comfort and even in our distress. But, Sir, when I think also of the other consequences, I feel that this is not a matter which we can so lightly pass over because I feel that in spite of what the financiers might discover as a remedy against the Meston

Settlement in readjusting our finances and bringing the equilibrium back, I am not convinced as to what the consequence might be. Sir, much has been said about the rich mineral resources of the Sonthal Parganas, Singhbhum and Manbhum; much has been said of the industrial possibilities of districts like Sylhet, Cachar and other places, but provinces are provinces and as we are all component parts of the Government of India, whatever might be the mineral resources of a province like Bengal, or for the matter of that any other provinces, all the incomes that are made by the industrial operations are taken away not by the Government of Bengal or any provincial Government, but by the Government of India. (A VOICE: What about cess and income-tax?) I am afraid that my friend has anticipated me as to what my answer will be. As regards the cess, the benefit so far as the provincial coffers are concerned, will be nothing, for the same district boards which are now within the provinces of Bihar and Assam will administer the fund. The cess does not benefit Government at all but goes to the district funds. Therefore, so far as the cess is concerned, whatever cess will come to us is no answer to the point that I have raised.

Sir, so far as Bengal is concerned, we live on litigation and drink, and I do not think there would be anybody in Bengal for the time being who would want more litigation and more liquor shops in the areas which we are going to take over. I am quite prepared to leave aside the communal question altogether, and I am prepared to accept the contention of my friend, Mr. N. K. Basu, that even in bringing in these districts within Bengal, the communal balance might remain almost as it is. Whatever that might be, I do not question this, and I am prepared to accept his argument. But I ask him, is he prepared to tell me that it will not be more administratively expensive and less income for the Government of Bengal? After all my friend, Mr. Basu, will have to run the responsibility of the Government sooner or later. I am, therefore, fully conscious that so far as these districts are concerned, the overhead charges on administrative expenses for running these districts will be much more than the amount that we will get. The Permanent Settlement and even the land revenue will not be sufficient to meet these expenses. Therefore, I say that in these matters I am absolutely in the dark. I do not oppose the resolution but if Mr. Basu is prepared to move the resolution in a manner that would make the Government of Bengal first determine whether it would gain or lose in the least, then as a result of that inquiry, if it is found that we in Bengal will not suffer financially, I am prepared to support the resolution. I frankly submit that I do not look at that question from any other point of view but that of the present financial position of the Government of Bengal. Up till now no data has been produced before me, but if such data is produced and is such that we come to a conclusion of a nature that will justify the transfer of these districts from one province to another, then I am quite prepared to support the resolution. After all, there is also

another factor to be considered, and that factor is what will be the effect of this transfer to the provinces of Bihar and Assam? Certain parts of Orissa are going to be separated very soon, and if these districts are also taken away, will the Government of Bihar relinquish these districts as well? That is also a matter which has to be taken note of before we give our decision in a matter like this. I am, therefore, tempted to oppose the resolution, but if he is prepared to change the language of it that the Government of Bengal should first find out whether it is worth while financially to take away any portion of these provinces, I am prepared to support him.

Mr. NARENDRA KUMAR BASU: Is it permissible at this time, Sir, to change a resolution in the way that the Khan Bahadur wants?

Mr. PRESIDENT: If he produces a motion like that, I shall consider it.

Khan Bahadur Maulvi AZIZUL HAQUE: In any case, I would conclude by saying that words like "unjust treatment" do not appeal to me because I find that we have been during the last 20 years almost in an atmosphere of injustice. With Calcutta removed from the Presidency and its consequent possibilities (A VOICE: Calcutta was not removed the capital was removed)—Calcutta ought to have been the Capital—whatever might be the opinion of that side of the House, there is a feeling that the Government of India is no longer run by those who used to run it in the past, with the consequent financial disadvantages from the Meston Settlement and of late the salt tax, I am tempted to say to the Government of India, do me better justice than you have done in the past.

Sir, I am quite prepared to meet the argument of my friend, Mr. N. K. Basu, on its merits.

Mr. PRESIDENT: May I inquire at this stage whether you are prepared to move an amendment on the lines suggested?

Khan Bahadur Maulvi AZIZUL HAQUE: I am quite prepared to do so, I am writing it out just now.

Mr. B. C. CHATTERJEE: Sir, the discussions we have listened to have been rather disappointing. It shows that there is on this question a cleavage between the Hindu and the Muhammadan members of this House. Although my friend Khan Bahadur Maulvi Azizul Haque has made a superb speech on the motion, I cannot help feeling that at the back of his mind and of my Muhammadan friends' minds, there is a strong fear that this redistribution may alter their present majority somewhat seriously. Of course, this shows, Sir, the unwisdom of the

Hindus and the Muhammadans of Bengal in not arriving at a permanent settlement as to how they should take part in the future administration of the country.

5 p.m.

If they could only come to such an agreement all these difficulties and all their fears would disappear, and no Hindu or Muhammadan would be in this perpetual state of nervousness. I would appeal to my Muhammadan friends to be patriotic. I submit we have a very good case, and the case should be presented to the Government of India by the Government of Bengal, without further loss of time. There is no doubt that feeling has been very very strong on this question in Bengal; we find that not only Mr. Basu, but a number of other members have also sent in resolutions on this identical question. There is one of mine also (No. 91); there is another of Mr. S. M. Bose, besides those of others. How can the Government oppose this prayer of ours that this matter should be investigated? Two facts are known beyond doubt: (1) that the majority of the people of Sylhet are identical in culture, religious beliefs, language and so forth, with the Muhammadans of Bengal, and (2) that the majority of the people of Dhalbhum, Manbhum and the neighbouring districts are identical in culture and language with the Bengali Hindus. I seriously ask the Government to take this much into account. How can Government refuse to bring these people within the borders of the province of Bengal, specially as we find that from the King-Emperor downwards all the responsible people have consistently held out assurances to us that this matter would be taken into consideration? Would it not be a breach of faith if the Hon'ble the Home Member got up and told us that Government was putting its foot down upon the resolution that we are moving? We are not asking for nothing drastic or revolutionary. All that we are asking for is that a commission of inquiry should be appointed. If this commission comes to the finding that the people of Sylhet will not come to Bengal or that the people of Dhalbhum and Manbhum and other areas will not come to Bengal there will be an end of it. At the present moment the downright fact remains that they are Bengalees, they are of us, both the people of Sylhet and the people of the other areas. If ever India is to crystallise into a set of autonomous provinces, it seems to us very cruel that a portion of our people should be divorced away from us by the mere exercise of the superior force on the part of the Central Government. That is not fair. I am appealing to the British members here to say how any of them would like if a part of Scotland were to be brought forcibly into England or if a part of England were taken away forcibly into Scotland. I do not think any Scotchman or Englishman would like it, or allow it. So it is only just and fair that the people who are ethnologically and culturally alike should not be kept

away from Bengal merely on the grounds on which Government want to keep them away. One ground that I have heard of is this. If we take away some districts from Bihar, Bihar Government would say that they could not go on without those districts. That argument I have heard many times. At the same time I would remind the House that the people who live to the west of the province of Bihar are quite the same from every possible point of view as the Biharees themselves. If Bihar would be in a parlous condition when Dhalbhum and Manbhum came to Bengal, then Bihar might be extended to the southern bank of the Ganges. You may say this requires a bigger inquiry, but a bigger inquiry cannot be avoided on any rational ground. Bengal is demanding a commission of inquiry, which is the subject matter of this resolution. Surely if that inquiry necessitates further inquiry as to the expansion of Bihar westward and up to the bank of the Ganges that should be undertaken. There is no doubt that Orissa would have absorbed these parts of Bihar if the Orissa Commission had found that the people of these parts were Oriya-speaking. On the other hand, they have found definitely that these people are Bengali-speaking and are really Bengalees. How can then Government now say that although they are Bengali-speaking they should not come back to Bengal? If they were Oriya-speaking they would have gone to Orissa, but because they are Bengali-speaking and are all Bengalees, how can Government say they must remain in Bihar.

Well, I submit that what Bengalees say is that these people are Bengali-speaking, so give them to us. Mr. Haque was very nervous when he said that the inclusion of these districts would mean more expense to Bengal. I could not follow that portion of Mr. Haque's argument. How can it work financially against us? The recommendation of the Federal Finance Committee is that we are going to get back from the Government of India a considerable part of the income-tax which is realized from Bengal. I do not know whether Mr. Haque has looked into that portion of the recommendation of the Federal Finance Committee. The scheme that that committee has proposed is this: at the present moment all the income-tax realized from each province should, according to certain rules of calculation, go back to the provinces with a proviso that a certain portion of it must go back to the Central Government by way of provincial contribution, but they recommend that these provincial contributions should cease as soon as possible. So the ultimate result of their recommendation would be that the yield of the income-tax in all the provinces would accrue to those provinces. That being so, if we get back these districts which have been arbitrarily taken away from us it will considerably increase our income. I would, therefore, ask my Muhammadan friends to look at this question not altogether from a pan-Muhammadan point of view, but from the Bengalee point of view. Surely a Muhammadan of Bengal is as much

a Bengalee as a Hindu is a Bengalee. If they look at that from that point of view then they will find that if Sylhet comes back to Bengal it will mean an acquisition to their number. Most probably my Muhammadan friends are thinking that if this district is taken away from Assam then the ratio of the Muhammadan population in Assam would decrease and the Muhammadan voice there will not carry the same weight as it does now. I am asking them not to be swayed by a consideration of this nature. Let the Muhammadans of Sylhet speak for themselves first, in any event, before we trouble about the views of the Muhammadans of Assam.

As far as Government are concerned I say that Government should not oppose the resolution but on the other hand they should undertake to recommend to the Government of India that this commission of inquiry which we are asking for should be appointed. These are all my submissions before the Council.

5-15 p.m.

Mr. A. K. FAZL-UL HUQ: Sir, it is somewhat unfortunate that following close on the heels of a somewhat controversial resolution which we disposed of yesterday, we have before us to-day a discussion on a question which seems likely to divide the Council on communal lines. (Cries of "No, No.") The speeches indicate that in spite of the pious wishes of my friends to the right the apprehension to which I have referred is not altogether unfounded. But I can assure my friends to the right that we on this side of the House entirely agree with them with regard to the broad principle that has been laid down, namely, that every possible attempt should be made to bring together the Bengali-speaking people and races living on the borders of the province of Bengal into one compact administration of a Bengalee province. But, Sir, at the same time I wish to remind my friends that many of the speeches have been based on so many surmises and conjectures as to put the resolution contained in the resolution out of the range of practical politics. If Sylhet and Cachar from Assam and the Chota Nagpur Division from the province of Bihar and Orissa were to come to Bengal then a state of things might be created which might be to the interest of the Bengali-speaking people of Bengal without at the same time disbursing the population ratio of the two communities in this province. But I wish to remind my friends that so far as Sylhet and Cachar are concerned, whatever may have been the resolution in the Assam Legislative Council, the people of Assam as well as the people of these two districts have been putting forward emphatic protest against the transfer of these two districts out of Assam. Similarly, with reference to the districts of the Chota Nagpur Division, the Government of Bihar and Orissa have in no uncertain terms explained the utter impossibility of taking away slice after slice from the province in order to

satisfy the sentiments either of the Bengali or of the Oriya-speaking races. Now, Sir, if as a matter of practical politics it is not possible to get Sylhet and Cachar or, for the matter of that, the districts of the Chota Nagpur Division into Bengal, the proposition that has been put forward by my friend, Mr. Basu, cannot be accepted as a measure of practical politics. Appeals have been made to us to consider that even if these transfers are made the little majority that we enjoy at the present moment would not be seriously disturbed. I may assure my friends on the right that so far as the Muhammadans are concerned they do not lay very much stress on the so-called majority of the proportion in the population of the Muhammadan community. We are a majority on paper but whenever we put forward any claim in order to have that majority reflected either in the legislature or in the services, we are always met with strenuous opposition. What does it matter to us whether this majority is 2 or 3 or 4 or 5 per cent. if whenever we want to take some practical advantage of the position that we occupy we are met with strenuous opposition from all sides and all sorts of arguments are advanced against the claims that we put forward. Therefore it is not correct to say that we are perturbed at the prospect of our majority being adversely affected by the transfer of any district either from Assam or Bihar to Bengal.

Sir, our objection lies on firmer grounds. We all know that we are at the present moment on the eve of momentous changes. If a recommendation like this is accepted and the boundaries of the various provinces are disturbed, it seems to me very likely that the reforms that are in the making may have to be postponed in order to adjust the changes that will be necessitated on account of the readjustment of boundaries to suit the conditions of the reforms that are going to be enforced. Secondly, if a proposition like the one made by Khan Bahadur Azizul Haque, namely, that a roving commission should be appointed to find out whether there will be profit or loss in case the boundaries are changed, is accepted, I think the question of constitutional reforms will have to be shelved for a very long time. Therefore what I would suggest to my friends is simply this: that we are all anxious that all Bengali-speaking people should be brought within the administration of Bengal. But let us set about getting Provincial Autonomy first and then it will be possible for us to consider coolly and at leisure how we are to attain the object we have in view. If this is possible could we not have a division of Bengal into North Bengal and East Bengal: why not, if it be possible, could we have the advanced section of the people in one part and the less advanced section of the people in another part and let Calcutta remain as the common capital for all? If that were possible the East Bengal Government might consider whether it could have Sylhet and Cachar and West Bengal might consider whether Chota Nagpur Division could be brought

within her. But if we accept the resolution of Mr. Basu or if we accept the motion that is likely to be moved by Khan Bahadur Azizul Haque at the present moment, it will mean disturbing the programme we have in view. Let me remind the House that the resolution which Khan Bahadur Azizul Haque proposes to move——.

Mr. PRESIDENT: I think you need not go into that because that is not before the House.

Mr. A. K. FAZL-UL HUQ: Once it is put, you will not permit me to speak again. It will not be an amendment at all: it will be a resolution.

Mr. PRESIDENT: You had better not refer to it; but, I may tell you that there is nothing to prevent you from speaking on that motion if it is actually brought forward.

Mr. A. K. FAZL-UL HUQ: We may consider it on its merits and much as I sympathise with it we feel constrained to oppose it.

Mr. SHANTI SHEKHARESWAR RAY: I have lived for over 20 years outside Bengal, mostly in Orissa, and it comes to me as a great surprise that a member of this Council calling himself a Bengalee has thought it fit to oppose the resolution moved by Mr. Basu. In Orissa every Oriya, who takes any intelligent interest in politics, has been crying for the last 30 years for the creation of a separate province for the Oriya-speaking race. If the people whom we are inclined to call backward are so insistant in their demand, it looks very awkward that any person calling himself a Bengalee should for a moment object to the suggestion that all Bengali-speaking people on the borders of the existing province should be brought under one administration. Sir, Maulvi Tamizuddin Khan has put before the House a rather rosy picture of the condition of the sons of Bengal who live outside Bengal. I can tell him from personal experiance that either he is wholly ignorant of the conditions of things in those places or he has put forward any and every impossible argument to strengthen his case. Sir, you may hear of a Sir P. C. Chatterjee or a Sir P. C. Bannerjee here and there, but there are hundreds of Bengalees scattered all over the province of Bihar and Orissa who feel in their everyday life great hardships, and they feel to their bones that they are unwanted in that province. Sir, when this is the situation, it is for us, their brethren in Bengal, at any rate to try and bring as many of them as possible under the blessings of one administration. Sir, I have been here for the last two years but I am not very sure whether my brethren in Bihar and Orissa would find it a blessing when they come under the administration of Bengal. If I

again go back to that province like a bad coin then it shall be my advice to them that they should think twice before coming to Bengal. Administration, Sir, in the province of Bihar and Orissa is different from what it is here. At any rate, the Hindu population there has the advantage of feeling that they are members of a province with a Hindu majority. If they come to Bengal, they will have to take all the consequences of being under a Moslem majority. So, Sir, all precautions and all hesitation on the part of my Moslem friends should not be on their side alone; there should be more hesitation, more reason for caution on the part of the helpless Bengalees who are now outside Bengal. Personally, I am not inclined to think that their position will be better. But, Sir, whatever may be the disadvantages, they will at least have the satisfaction of feeling that they are under Bengal administration and we shall also have the feeling that we shall be able to do all that we can for them. Sir, there is one point. Though I whole-heartedly lend my support to the resolution. (A VOICE: We cannot follow the hon'ble member's argument.)

5-30 p.m.

A friend says that he cannot follow me. Well, Sir, that is my misfortune. But I have tried to make myself as much intelligible as I possibly could. However, be that as it may, there is one aspect of the question that I should like Mr. Basu to consider, and it is this: Whether it is an opportunate time now for a commission of this sort. We have had too many commissions, and I think we may be spared another one just at the moment. Even judging the matter from his point of view, *viz.*, that of amalgamating the Bengali-speaking peoples outside Bengal, with Bengal, I think the right time will be when the Reforms come into operation and not now, because, after all, the point will be decided not on our votes but on the votes of the localities concerned, and I think when the Reforms come into force and the people of the different localities have been trained into exercising their votes properly, and when public opinion will have been able to assert itself better, then and then only will come the time to judge what the decision in the matter should be; otherwise in the existing condition of things politicians will practically dominate their views and so I would ask my friend to withdraw this resolution—a resolution which, I believe, however, every Bengalee ought to support.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I move that the question be now put.

Mr. PRESIDENT: I think it will not be an infringement of the right of reasonable debate if I accept your motion, but I must give the Hon'ble Member of Government a chance to speak on the resolution.

The Hon'ble Mr. R. N. REID: Government feel bound to oppose the resolution on practical grounds. I can assure Mr. B. C. Chatterjee, however, that Government, in opposing this motion would not try to make out that the present provincial boundaries in India are by any means ideal boundaries (and this has been admitted in the Simon Commission's Report) or that, at a proper time Government would be opposed to having any sort of Commission to see in what way those boundaries can be readjusted, so as to make them more consonant with the numerous considerations which have been advanced to-day in support of the proposal that the boundaries should be readjusted.

I think the course of the discussion to-day has shown very clearly the difficulties, and perhaps the dangers, which attend on attempts to readjust provincial boundaries. One speaker based his arguments mostly on the score of language. The linguistic basis, however, was subsequently demolished successfully by other speakers, and it seems to me that at least a dozen considerations must be called into play in this question, including linguistic, cultural, ethnological, administrative, geographical, and two other considerations, sentimental and communal; the last two being perhaps not the least important. At the risk of boring the House again with the much-quoted Statutory Commission's Report I beg to refer to it once more, as I think it has not been quite fully quoted and not fairly quoted, perhaps. The first reference in this Report to provincial boundaries is in paragraph 25, where they state that they consider that the present arrangement of the provinces is not an ideal one from the point of view of self-government. They recognise, however, the difficulties which would be encountered in any attempt at readjustment, and recommend that the position should be reviewed. Then they go on, in paragraph 38, to elaborate those views, and I think, if anybody reads that paragraph carefully, he will recognise the very manifest disinclination on the part of the Commission to commit themselves very far, and a very definite realisation of the dangers and difficulties involved in tampering with provincial boundaries or upsetting the *status quo*. We have had a bitter experience in Bengal of the dangers and disasters which attend partitions and re-distributions. Anyhow, their final recommendation was that a Boundaries Commission should be set up to investigate the main cases and should endeavour to work out schemes, but even when—I am quoting from paragraph 38—recommending the appointment of a Boundaries Commission they sounded a note of warning. In quoting that paragraph Mr. Basu has not mentioned what the Commission said about the shifting of landmarks being proverbially an operation which may bring down anything but blessings on the head of the reformer; it could be prudently undertaken only after taking full account of the interests and even the prejudices concerned.

There is one other point in the Simon Commission's Report which is very apposite to this discussion, and that is to be found in paragraph

which has not been referred to to-day. That paragraph shows very clearly the grounds upon which it was recommended that boundaries should be readjusted. If one reads that paragraph one realises that a consideration which weighed very heavily with the Commission was the desirability of reducing the average size of Governors' provinces, and they expressed the hope that whatever re-distribution might be decided upon, it would result in the reduction of the average size of Governors' provinces. And if one reads that paragraph further, the steps in the argument which led up to this conclusion are clear enough. They started by recommending enlarged electorates. From this follows the necessity of smaller and more numerous constituencies, involving, of course, an increase in the number of members of Council. They are then brought up against the possibility of greatly enlarged Councils. Obviously enlarged Councils point to the desirability of Governors' provinces being reduced in size. The logic of this is perfectly good and unassailable, but it points to this, that in recommending this re-distribution of provinces the Commission, perhaps, took rather a one-sided view of the situation and left out the other very cogent and important practical considerations and had an eye only on the question of franchise. On that proposal the conclusions of the Government of India are well known. They agreed that the cases of Orissa and Sind should be immediately taken up, as they have been, and they recommended that other readjustments should stand over until opinion more clearly expressed itself, and left the new administrations to take up such questions as they arose. The practical point then is this: If we are to take up the immediate re-distribution of provincial boundaries on a comprehensive scale, then where are we going to be landed? It is a very big question indeed. It means that you throw in a number of important questions into the melting pot. It would create further political turmoil and jealousy.

Further, a decision on this question must require time, and the question of time alone seems to me very important. I take it that nobody wants to delay the coming in of the new constitution more than it could be avoided, and surely the appointment of a Boundaries Commission would delay the advent of that constitution.

One more point I shall raise in this debate, and that is that, with the coming in of the new constitution it is surely desirable that those who are going to live under, and work, that constitution should approach it with a mind anxious to work it and work it in harmony with their fellow-citizens; but if you start the work with a controversy, which will arise out of re-distribution of provinces, surely that will not help the working of the new constitution! In this connection I think it is rather a pity that the financial question has been imported into the discussion. Judging from Mr. Basu's speech one would gather that he had his eye on the riches of Manbhum and other districts of Bihar; that he was

anxious to lay his hands on them so that he would enrich Bengal at the cost of Bihar and Orissa, and I wonder what the Bihari would say when he reads Mr. Basu's and Mr. Gupta's speeches in his morning paper to-morrow. I rather think that he will register a strong determination that on no account should these districts come into Bengal, if he can possibly help.

As I said before, Government are not defending the present provincial distribution as an ideal one. But they do think that this is not the time to raise this question for the very practical reasons which, I hope, I have made clear to the Council.

5-45 p.m.

Mr. NARENDRA KUMAR BASU: Sir, I must, first of all, confess that I have listened to the speech of the Hon'ble the Home Member with a considerable amount of amazement. I did not really know that the language of my resolution, which I tried to put as clearly as possible in a foreign language, was really so bad——

Mr. E. C. ORMOND: Sir, is the member right in referring to English as a foreign language in this House? I think he should withdraw it. Sir, I certainly object to being called a foreigner in this House.

Mr. NARENDRA KUMAR BASU: Sir, Mr. Ormond is not a foreigner but a brother at law. The English language is, however, foreign to me and that is all I mean. However, Sir, as I have said, I listened to the Hon'ble Mr. Reid's speech with a considerable amount of amazement. I do not, and I cannot, possibly imagine that he intentionally misread the resolution. My resolution runs as follows:—

"This Council recommends to the Government to move the Government of India for the appointment of a commission to readjust provincial boundaries in order to bring all Bengali-speaking people under one and the same provincial administration."

I do not say in this motion that we recommend to the Government of Bengal to ask the Government of India to readjust the provincial boundaries straightaway. I realise that there are difficulties in the way of carrying out all the suggestions that the various speakers have made in their speeches. Speaking for myself, Sir, I can quite see that a neutral commission will not grant all that I have asked for in my speech; but I am certain that the Hon'ble Mr. Reid did not understand the implication of what he was saying when he said that I did not fairly quote the Simon Commission's remarks. I tried to quote as fairly as I possibly could and I merely quoted the recommendations of the

Simon Commission. That Commission, in their wisdom, certainly did point out the difficulties in straightaway adjusting the boundaries. What they said was that there was a good case for the appointment of a commission to go over the matter and that is all that I have asked for in my resolution.

I do not, therefore, understand what amount of unfairness there was in my quotations.

Then, Sir, the Hon'ble Mr. Reid also stated that if the comprehensive question of the redistribution of boundaries all over India were taken up at the present moment, the new constitution would be delayed. That is not my resolution, Sir. My resolution does not ask for a roving commission to go over the vast continent of India and to try and re-adjust boundaries. All that my resolution wants is that a commission be appointed by the Government of India to see whether they could at this time accede to the expressed wishes of all the Bengali-speaking people in different parts of British India—I mean in the neighbouring provinces—to be re-united in a new administration. We have already had two commissions—the Sind Commission and the Orissa Commission. They have not so far produced any violent turmoil, nor have they introduced innumerable new controversies, as the Hon'ble Mr. Reid apprehends. I submit, Sir, that his reply to this suggestion is not at all a sound one. He seems to think that it is a pity that we introduced the question of finance into the matter. He was also thinking of what the Biharee would think of my speech when he read it in the newspapers to-morrow morning. I may, however, inform the Hon'ble Mr. Reid, if he does not know it already, that the vast majority of the other provinces of India have lived too long on Bengal. For a Member of the Government, Mr. Reid seems to be singularly ignorant of the financial history of the Governments in India. If he will read that history or take lessons from his right hand neighbour, the Finance Member, he will know that Bengal has been supplying the needs of all the provinces of India for a long time and that if Bengal gets back a little bit of her own from Bihar and Orissa, and not filch a large amount from Bihar as he seems to think, the Biharee will have no cause of complaint. I do feel admiration for the Home Member for being so solicitous about the feelings of the average Biharee to-morrow when he reads my speech. It is indeed a very good sign for the coming Federation, but I would ask the Government Members to think a little more of us, Bengalees. I submit, Sir, that there is absolutely no cogent reason advanced by the Hon'ble Member for not accepting this proposal of mine.

I now turn to the opposition of my friend, Mr. Tamizuddin Khan. His principal grievance seems to me—I really do not know whether he seriously means it—that the readjustment of boundaries will do no

good, because as he facetiously said, if the linguistic basis is a ground for provincial readjustment, then the United States of America ought to be united with England. I do not know whether America is a neighbouring country of England. Moreover, so far as I know the United States of America are divided into 40 States who probably speak the same language. And we are discussing the alteration of provincial boundaries and I do not understand his statement whether it was a mere facetious remark or has any sound reasoning in it. However, I could not follow him.

Then he says that the wishes of the people ought to be taken into account. I quite agree with him. Sir, I hold in my hand the minutes of a public meeting held in Sylhet in August last which show that a considerable portion of the people of Sylhet and Cachar do want a retransfer of these districts to Bengal—in fact I am told in this note—and I can take it upon trust—that so far as Sylhet is concerned, there were two resolutions moved in the Assam Council—one in July, 1924, and another in January, 1926, by which the transfer to Bengal was recommended. A similar resolution was also adopted in the Bengal Council in 1926. Sir, we have been told that we are trying to grab as much as possible of the riches of Manbhum and Singhbhum. Are the Members of the Government of Bengal so ignorant of the recommendations of the Federal Finance Committee as not to know that what that Committee has suggested is that a portion of the income-tax derived from each province together with the entire sur-tax is to be allotted to each new province. If the collieries of which the head offices are in Calcutta are to be included in Bengal and if our representation to have also the entire jute tax allotted to Bengal is granted, Bengal will be a very prosperous province.

Then, Sir, the Hon'ble Mr. Reid quoted some extracts from the report of the Simon Commission about having smaller provinces. I do not know if he is aware that Bengal is at the present moment the smallest of all the Governor's provinces; Bengal is not only the smallest of the major provinces but also the poorest. I think, therefore, that it is the duty of every member of this House, whether official or non-official, to try and induce the Government of India to look into the matter and see whether they could make Bengal self-contained and able to stand on her own legs. I do not think it is any use saying that by passing this resolution we shall be at once robbing Bihar, robbing the United Provinces, robbing the Punjab, or, for the matter of that, robbing Russia. What we are trying to do by this resolution is to ask the Government of India to appoint a neutral commission to look into the matter and to try and see if the provincial boundaries could not be readjusted on a linguistic basis. With these observations I commend the resolution to the acceptance of the House.

The motion of Mr. Narendra Kumar Basu was then put and a division taken with the following result:—

AYES.

Gattack, Rai Bahadur Debendra Nath.
Bakerji, Mr. P.
Banerji, Rai Bahadur Keshab Chandra.
Banerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Datt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Maninda Deb.
Ray, Babu Khetter Mohan.
Ray, Choudhury, Mr. K. C.
Rout, Babu Hemni.
Roy, Babu Haribansa.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.
Wordsworth, Mr. W. C.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bazr Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Rural Absar.
Chowdhury, Haji Badi Ahmed.
Choudhury, Maulvi Abdul Ghani.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Ewerfji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ganguli, Rai Bahadur Sushi Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharrut, Khan Bahadur.
Hosain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Leeson, Mr. G. W.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Muhunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sarker, Rai Sahib Nalini Mohan.
Sen, Mr. S. R.
Shah, Maulvi Abdul Hamid.
Stapleton, Mr. H. E.
Thomas, Mr. E. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 41 and the Noes 60, the motion was lost.

6 p.m.

River Titash.

Babu KHETTER MOHAN RAY: I beg to move that this Council recommends to the Government that early steps be taken to dredge the silted up parts of the river Titash which passes by Akhaura in thana Kasba, Nabinagar in thana Nabinagar and Machimpur in thana Daudkandi in the district of Tippera, thereby making the river navigable throughout the year.

In moving this resolution, I beg to draw the attention of the Government to the moribund condition of the river Titash in the district of Tippera, which is the longest river in that district. This river which rises from the big river Meghna in the police-station Nasirnagar in the north runs through the areas within police-stations Kasba, Nabinagar, Bancharampur, Homna and Daudkandi with its various tributaries and meets the river Goomti near the big bazars Gouripore and Lalpore in thana Daudkandi. It is an important river in the western part of the district which waters large tracts of agricultural lands, and serves as a means of important communication in the district. This river, which is a tidal one, was until lately navigable throughout the year and important jute and other trade centres, such as Akhaura, Ramchandrapur, Nabinagar and Machimpur, have quickly sprung up one after the other during the last 30 years on the banks of the river. It not only serves as a means of communication but waters and flushes extensive tracts of land through which it passes and drains off surplus rain water through its channel. The tracts through which the river passes are most fertile lands in the district, which produce jute, paddy and other important agricultural products. Some 20 years back, when the river was in good condition and the flow of water in the river was unobstructed, malaria, kala-azar and other fell diseases were unknown in the localities through which it passes. But I regret to say that the river Titash is at present in a moribund condition; the bed of the river has been raised and some bars have been formed at Akhaura, Nabinagar, Ramchandrapur, Machimpur and Lalpore which obstruct natural course of the river and cause obstacles to the navigation throughout the year. Deterioration of the river has begun some 20 or 25 years back, due to the deposits of sand and silt carried off by some three hill streams which rise in the Tippera hills and fall into the river. This river has been in existence for centuries with the hill streams as tributaries, which did not, until recently, cause any mischief to the river. Deterioration of this important river in the district causes abnormal and unusual floods in May and June damaging the crops of the large areas through which the river runs. Malaria and kala-azar, almost unknown in the district, have made their appearance carrying off a large number

of people every year. The agricultural lands, which were considered most fertile lands in the district, have deteriorated and have been gradually yielding diminished crops. The internal trade of the district is almost carried on in boats, and owing to the silting of the bed of the river in some places, which obstructs free navigation, the trade of the district is declining, and important markets and bazars which became prosperous, are losing their importance as such.

Unless some steps are taken to arrest the progress of the deterioration, the river will at no distant date die and will be a menace to the health of the people of the district. I know the Government will plead inability to take up the work of the improvement of the river owing to financial stringency, but, surely, there is no difficulty in investigating the causes of this deterioration and devise remedial measures for improvement of the river, and, if possible, to give immediate relief by dredging up some bars formed in the river, at moderate cost. In the meantime a project may be framed and kept ready for comprehensive improvement, so that this work may be taken up as soon as the country is restored to its normal economic condition.

I urge that unless something is done to preserve the river from being entirely dead, it will be lost for ever to the people, which will spell disaster to the inhabitants.

With these words, I move this resolution.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, I feel it my duty to support the resolution moved by my esteemed friend Mr. Khetter Mohan Ray, with all the earnestness I can command. The inhabitants of Eastern Bengal are well aware of the treacherous nature of her big and small rivers. Some of them by their erosion are devouring large pieces of land of considerable historical and political importance, while the others being silted up are ruining the agriculture, commerce and industry of the neighbouring villages as also the health of the people.

Sir, the Titash, which is the subject matter of this resolution, is a branch of the great Meghna flowing between the districts of Dacca and Tippera. The Meghna is heavily charged with silt and in its course the silt is deposited on the banks, river bed and adjoining channels. And in this way the Titash has met with her present fate and is being gradually dried and silted up. The river, though small, is to a great extent responsible for the irrigation of this part of the district which is mainly an agricultural tract. Jute and paddy are its chief crops, the raising of which entirely depends on the sufficient flow of the river water. When a river becomes devoid of its current, the neighbouring villages are infected with malaria and other fell diseases. The river also supplies drinking water to its neighbouring population. In

Eastern Bengal, the merchandise is generally carried by its water routes. These routes being gradually closed up, the trade and commerce of the country are seriously affected.

So it is in the interest of sanitation, commerce and trade and agriculture that the river should be dredged. Though not directly within the scope of this resolution, I cannot resist the temptation of mentioning in this connection the miserable condition of a sister river, the Brahmaputra, another branch of the Meghna, passing through the Narayanganj subdivision. At one time it also was in a flourishing condition with a vigorous flow of pure water. The villages surrounding and lining its course were then prosperous. Now, as the river is dying out and almost dead, the condition of the people have materially changed for the worse. It is a sacred river of the Hindus and thousands of pilgrims flock at Nangalbund, a village on its bank, on the *Asokastami* day. The condition of the river is at present so miserable that those who come to take a bath on the auspicious day have to dip their head in the knee-deep mud.

Sir, the dredging of these rivers will surely improve the health and agriculture of the neighbourhood. If they are made navigable, the trade and commerce of the country shall also flourish.

6-15 p.m.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I may tell the mover of this resolution that I have made inquiries on the question of the silting up of the river Titash. I am prepared to give him the result of that inquiry. The main reason for the blocking of the channel south of Akhaura is the deposit of silt brought in by the river Howrah from the hills. The short circuiting of the Titash by the Brahmanbaria Khal appears also to have reduced the current running through the short circuited portion of the Titash. It would be very expensive to clear out the shoaled up portion. Dredging is not feasible and cost of silt clearance by manual labour would be high. Further, the effect would not be lasting.

In the case of the Howrah, for instance, the silt-laden discharge mingles with the slow moving discharge of the Titash, hence the silt is bound to be deposited. Hence it would be futile to spend, say, Rs. 80,000 on removing such shoals. Nor can the outfall into the Meghna be improved so as to increase the draw down the Titash as the higher water level in the Meghna holds up the water level of the Titash.

I have received a further report from the Superintending Engineer which makes it still more difficult for Government to take up the work.

"By clearing the bed of the river Titash above the junction with the Howrah river, the velocity of flow down the river will be increased for a short time, but I anticipate that when the river Howrah ran again in spate it would quickly deposit silt in the channel of the river Titash, and so the same conditions as at present obtaining would be re-established. Hence the improvement of the river Titash in the reach under consideration would only be temporary. As already explained, when the silt-laden discharge of the river Howrah mingles with the slow-moving discharge of the river Titash the silt is bound to deposit and because of the slowness of the current of the river Titash it cannot be moved on. The only effectual remedy would be to clear the outfall of the river Meghna so that the draw down the river Titash might be increased, but unfortunately, due to tidal action, this is impossible owing to the tide holding up the Meghna outflow." This practically represents the result of the inquiry that has been made only recently. I entirely sympathise with the object of the resolution and I also sympathise with the picture that has been drawn by the mover of the unfortunate effects of the silting up of the river Titash but as the inquiry shows at the present moment it seems to be rather hopeless to try to improve the river. But in view of what the mover has said I am prepared to make a further inquiry and see what steps can be taken. After this assurance I hope the mover will withdraw his resolution.

Babu KHETTER MOHAN RAY: In view of the assurance given by the Hon'ble Member that further inquiries will be made I beg leave to withdraw my resolution.

The motion of Babu Khetter Mohan Ray was then, by leave of the Council, withdrawn.

Annual grant for primary education of backward people.

Mr. MUKUNDA BEHARY MULLICK: I beg to move that this Council recommends to the Government that with a view to spread free primary education in the province a sum of Rs. 2,00,000 be annually set apart for distribution as stipends and scholarships amongst the students of the Namasudra community and other backward communities (as enumerated on page 189, Part I of the Calcutta University Commission's Report) reading in the lower primary, upper primary, middle vernacular and middle English standards.

Sir, in moving this resolution I am not unmindful of the present economic condition of the country. I am also not unmindful of the

fact that there is a strong agitation in the country for having the whole administration of the country under the control of the representatives elected to the Legislative Council by our countrymen, when we may hope that our own needs may be properly attended to by our own people. Indeed, these are the only two principal factors upon a consideration of which I have practically based this resolution of mine.

Sir, it is no doubt true that the whole country has been very hard hit by the present economic crisis. But, Sir, the people who are most affected are poor agriculturists; and their number is about 70 per cent. of the total population. The backward classes as have been enumerated in the Calcutta University Commission's Report are included within the said figure. Those of our countrymen, I mean the land-owning classes and the money-lenders who depend upon the produce of the soil and consequently upon its producers, the agriculturists, have also suffered to that extent to which they depend upon them. I hope, Sir, the position will not be denied that it is on account of the huge illiteracy that still obtains in this country, which is mostly responsible for the present critical condition. The last census figures show that the percentage of literacy in Bengal is only about 10 now. With a rather abnormal rise in the prices of jute and paddy some years back the poor agriculturists were illusioned into thinking that the same was perhaps going to be the normal condition for years to come. It was then impossible either to believe for one's ownself or even to convince the poor agriculturists that it could never be the ordinary course of events and that it must take a turn in the backward direction. One knows from one's own personal experience the lavish manner in which the poor agriculturist spent his whole earnings in, perhaps, living in a manner which might appear to him luxurious or even a bit aristocratic. For would any one have changed himself so much, nay, have even thought of taking to ways of living which could never last for long? If the illiterate agriculturist could at all have then foreshadowed his miseries which were awaiting him to-day he would have been the last person to contract so many liabilities only to add to his misfortunes. The reason for all this is not very far to seek. The illiterate agriculturist can neither see nor think beyond the events of to-day. If he had only the power to compare events which happened in the past with those happening in the present he might then be expected to think as to what might happen in the future. But, Sir, since he has not got that capacity, he has been subjected to these miseries beyond his control. As I have already indicated, when the agriculturist found himself in somewhat of an affluent circumstance according to his own ideas, he was perhaps under the impression that it was his "chance" and there was no necessity for him to receive any education nor was it necessary for him to get into touch with the events of the world at large. But he is now plainly told by circumstances that he cannot go on with his

old ideas of "chance." He now fully understands the value of education, however little it may be, and he is, therefore, anxious to impart some little education to his child in order that the latter may not fall a victim to events to which he himself was one.

I think it is unnecessary for me to dilate upon the simple aspect of this very important question. And I hope, I carry the whole House with me when I say that excepting a very few cases the whole country has suffered on account of its lack of any consideration for the future in relation to present and past events.

It will not be necessary for me, I hope, to indicate how the illiterate condition of the masses has been subjected to various sorts of exploitations by his educated or rather semi-educated countrymen. One is told of an amusing story as to how a collecting officer of a landlord, when he was seized by a body of tenants on the way as he was going alone, for the receipt on account of the rents paid by them, avoided molestation at their hands by writing a few meaningless words on a piece of paper for he knew that they were all illiterate and would not be able to decipher what he wrote; they were right glad to have the same but that they came back to their senses when they were told by the court in the suit that was subsequently brought for the realisation of the same that it was no rent receipt at all and it was only a meaningless piece of paper. One also knows of instances when to show variation of rent the clever village officer of the landlord puts down some amount less in the rent receipt that he grants to the illiterate tenant than the amount that he actually realises.

It is hardly necessary to multiply instances of this sort. But, Sir, the fact comes to be plain when the poor member of the backward class finds himself absolutely penniless and consequently unable to defray the expenses of a primary education for his child. It was no doubt with the very noble object of removing these grievances of the masses that the Bengal Rural Primary Education Act, 1930, was passed. I will certainly not re-agitate the question as to the unseemly opposition that was put in its way. But, Sir, we find that for all intents and purposes it has become practically a dead letter. We are now getting into doubt as to what the real intention of the Government was in getting it enacted under those circumstances and whether or not it was only to show some sort of lip-sympathy with these millions of people by holding out a false hope to them while they really meant to do nothing for them, as they had still to depend upon the people that they themselves created in 1793, upon whom have sprung up a host of their supporters. For if it was not the real motive, Government ought not to have allowed any grass to grow underneath it, and no objection on the ground of lack of funds, allowed to have been pleaded for the postponement of its operation. Government in order to show their real and genuine sympathy

with these people ought to have advanced money for at least a few years of its expenditure before imposing the cess and then to realise the same which the rural people would be too glad to pay as soon as they have realised its benevolent results. I will not enter into a detailed discussion of this subject for my present purpose is only to indicate the urgent necessity and desirability of making an annual sanction of this little amount of two lakhs of rupees out of one crore and about seventeen lakhs of rupees that is annually budgeted for education, for distribution amongst the students of the backward classes reading in the primary, middle English and middle Vernacular schools as "stipends and scholarships" with a view to spread primary education. I have advisedly used the expression "stipends and scholarships" to show that I desire that this money is to be well spent as no student, simply because of the fact that he belongs to one or other of these classes, can expect to have any portion of the same unless he is meritorious enough to deserve it. It will certainly depend upon his progress as also upon his conduct coupled with the fact that he is a handicap because of his circumstances. It will also add to the impetus of a student of this class when he finds that his merit has received some recognition in this way.

With regard to the other aspect of the question, I think I can take up the bold position that no country can be said to have any responsible Government unless its mouthpiece, the Legislature, has got representatives of all classes of people living in the country. We have experienced ourselves how illiteracy has been the cause of a wrong exercise of the votes of the masses and how the same has been worked up to add to his miseries. For there cannot be any responsible Government in any country where the bulk of the people cannot say that they have their proper share in its Legislature and administration; and where the facts show that 90 per cent. of the masses are yet steeped in ignorance and illiteracy, to talk of responsible Government cannot be characterised as anything else than a mere dream.

Sir, I do not propose to take the time of the House any longer but that I would only desire to remind it of the discussion that followed upon a cut motion with respect to a little share in the ministerial staff of the Government when we were told by some hon'ble friends of ours that they would be prepared to help us at any rate to remove the backwardness in point of education of these millions of people although they were not prepared to give them any share in the administration on the ground that they belonged to the depressed classes. However, this last point is neither here nor there so far as my present discussion is concerned when it is really intended to hold out a helping hand to the really deserving section of their boys for deciphering only the three R's by making this annual provision for this sum of money in the budget and I have every hope that I shall receive the support of the whole House in this respect.

With these few words, Sir, I commend my motion to the acceptance of the House.

Babu LALIT KUMAR BAL: Mr. President, Sir, I rise to give my whole-hearted support to this resolution. Millions of people have been labouring under the perpetual darkness of ignorance from time immemorial and it is only just and proper to give them every form of encouragement so that they may come forward to receive education. It must be admitted on all hands that real improvement of the country cannot be achieved unless and until these people can be roused from their perpetual slumber by spreading education among them. So it is the absolute duty of the Government to adopt all possible measures for the spread of education among the backward classes. Stipends and scholarships are awarded every year; but very few of them fall to the lot of the backward classes. In view of the backwardness of these classes in point of education, special encouragement should he given to them in the form of stipends and scholarships for their speedier educational advancement and for this purpose a reasonable sum ought to be annually set apart for the education of the backward classes of Bengal. With these few words I beg to support the motion.

6-30 p.m.

Babu AMULYADHAN RAY: Sir, I support the resolution. At the very outset I may tell the hon'ble members that I would have been all the more glad had the hon'ble mover requested the Council to recommend to Government to set apart the proposed sum not merely for the students of the Namasudra community and other backward communities but for all classes of people without any distinction of caste or creed whatsoever, and had the amount sought to be set apart for the purpose been one-fourth of the total provincial revenues. Sir, it is really a pity that when India is clamouring to become an equal partner with Britain in her constitutional developments and is dreaming of attaining *swaraj* to-morrow, and when all the resources of a civilized Government, civilized if I may call it, should have been placed at the disposal of the Ministry of Education to remove illiteracy of 90 per cent. of the population, to take up the responsibility of the future administration of the country, and when the extreme political section amongst our countrymen who are up and doing for the deliverance of the country without making any attempt for the deliverance of the people living therein should have turned their attention to the education of the people incapable of understanding their manhood, far less political consciousness for want of education, this paltry amount of Rs. 2 lakhs will not be refused by the Hon'ble Minister whose name is connected with the masterpiece of legislation and to whom the people of Bengal are greatly indebted for his labour of day and night for going round the districts in order to impress upon the people the necessity of the

Primary Education Bill and for the bold attitude he took in the teeth of opposition by public press and platform speakers in getting the Bengal Primary Education Act passed even at a time when the whole House was practically equally divided and when the minds of a section of our countrymen were so much agitated and alarmed in the name Primary Education. To oppose the grant of a paltry sum of Rs. 2 lakhs is to oppose the progress and advancement of the people of Bengal. To refuse the sum is to refuse the best interest of the country. The duty of the hon'ble members of this House should be not merely to grant this paltry sum, but also to see that the Bengal Primary Education Act is put into immediate operation and they should find out ways and means as to how that can be done. With these words I support the resolution.

Rai Sahib PANCHANAN BARMA: I whole-heartedly support that portion of the resolution moved by my friend, Mr. Mullick, which recommends that a portion of the provincial revenues should be set apart for the purpose of education of the backward classes of the country. Sir, the condition of the backward classes is very miserable. As for my people, the percentage of literacy is only 5, so it is absolutely necessary that they should be encouraged in every way. Not only should they be encouraged by the provision of facilities for education in order that they may make steady progress, they should be given suitable appointments so that they may taste the fruits of their education and higher literary refinements. So I whole-heartedly support this portion of the resolution, namely, that a sum should be set apart for giving stipends to the students of the backward classes.

At the same time I oppose that portion of the resolution which seeks to restrict the grant of the stipends to students of the Namasudra community and other backward communities (as enumerated on page 189, part I, of the Calcutta University Commission's Report). The list of backward classes given in the report is a very antiquated one and was perhaps drawn up at the time with reference to some other factors and not simply to the question of education. I oppose this portion of the resolution.

Some time ago Government also admitted that the list of the backward classes include not only those which are enumerated in the University Commission's Report referred to above but also some other communities. I hope Government will bear that in mind and will set apart a portion of the revenue for the promotion of education of all classes of people who are backward in education. With these words I support as also I oppose this resolution. (Laughter.)

Mr. B. C. CHATTERJEE: Sir, I rise to support the resolution of my friend, Mr. Mullick. I do not quite understand what Rai Sahib

Panchanan Barma means by "supporting and opposing" it. I submit that it is one of the most important resolutions that have been put before the House. The time has come when Bengal must seriously tackle the question of removing illiteracy and ignorance from the province. I know that there are certain classes of people in Bengal who devote their whole lives, the whole of their energies and resources to the acquisition of knowledge. On the other hand there are also others who do not do so, and I submit that the best thing that the Government can do to encourage education among them would be to found a system of stipends or scholarships as this resolution demands. My friend, Mr. Mullick, has brought forward a most timely resolution and it would be an acid test of Government's attitude, especially of the learned Education Minister, towards the promotion of education amongst the people whose cause Mr. Mullick advocates. We shall judge him by the attitude he takes up—whether he accepts or rejects or tries to shelve the resolution. I want a straight and unambiguous answer to Mr. Mullick's resolution from my friend the Hon'ble Minister for Education.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, it is very gratifying to find Mr. B. C. Chatterjee supporting this resolution, but I doubt if he has really considered this resolution seriously. I am afraid that this is another piece of impracticable resolution that has been put before the House. Sir, the number of students of the backward classes, who will be benefited if two lakhs of rupees is spent on giving stipends and scholarships, will be so small that it cannot substantially remove illiteracy from amongst those classes. Secondly, the stipends are never given for primary education, especially in lower primary schools. These schools are situated in localities where the students can go from their own homes. Most of these schools are free and if any fees are charged, they are nominal, say 4 annas or 8 annas; so there is hardly any necessity for stipends being given to these students.

Sir, Government have taken steps to provide as far as possible primary education and a Bill has been passed, but unfortunately for reasons well known to the House they have not been able to enforce it. Sir, it is all very well for members to come here and press for the enforcement of the Primary Education Act; but I would like to inform the House that in spite of our best efforts we have not received any marked response from the district boards. So far only six or seven district boards have agreed to come into the scheme which Government have proposed and I may inform my friend, Mr. Mullick, the mover of the resolution, that the district board of the place from which he comes has refused to take part in the scheme. Most of the district boards, I find, are refusing to come in on the ground that the realisation of

cess is so bad that they cannot be sure that the amount of money they now spend on primary education will be forthcoming next year. Now, Government are very anxious to see that the Primary Education Act is not a dead letter and we are trying our level best to enforce it partially, so that as soon as funds are available and the economic condition of the people improves (A VOICE: When will it improve?) Well, no one can say; God alone knows.

Mr. B. C. CHATTERJEE: I object to this implication in the name of divinity.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: In 1932 Government increased the free studentships of the backward classes by 15 per cent. in all high schools, that is 15 per cent. of the enrolled boys belonging to the backward classes will get free studentships. As far as middle and high schools are concerned, Government are trying their level best to help the students of the backward classes. I cannot help bringing in the old argument again and again that we are passing through a crisis: Government have been compelled to make a 10 per cent. cut in the grants to high schools and a 10 per cent. cut in the grants to colleges; and the only thing that we have been able to do for primary education is that no reduction has been made in the grant for primary education. To ask Government to provide Rs. 2 lakhs in the next year's budget is simply asking them to do something which is practically impossible. I have every sympathy with the demand.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir. The resolution does not mention "next year's budget." It says "annually." The sum may be provided afterwards in the budget.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, this is a most ingenious point of order which my friend can only understand.

As I was saying, Government have every sympathy with the desire of the backward classes for receiving help from Government for their education, but the time is so bad that as far as financial assistance is concerned Government cannot come to their aid. All that we have got to do at the present moment is to mark time. We are preparing schemes and getting ready for better times and we hope we shall be able to do more than what we have done in the past for the education of the backward classes. We are already considering the question of changing the present method of grants-in-aid to schools and we are considering whether it is feasible to so change it that we can give more in the shape of stipends and scholarships than in lump sum grants. If that comes about the students of the backward classes will

surely be benefited. All this, however, will require money; the Retrenchment Committee is now sitting and there is a huge deficit in the budget, and I do not see how we can provide any money now. I am sure that the mover and the supporters of this resolution will realise that Government have every sympathy with the desire for more education amongst the backward classes, but I would ask them to consider the present situation and I hope that after what I have said my hon'ble friend who has brought this resolution will withdraw it. I am sure if Mr. B. C. Chatterjee had been in my place he would have done exactly the same thing.

Mr. B. C. CHATTERJEE: I shall never go there.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Well, I mention this because Mr. B. C. Chatterjee said that it would be an acid test of my attitude towards the question. However, I would ask Mr. Mullick to withdraw his resolution because it is not really possible for Government to do anything in the matter at the present moment.

The motion of Mr. Mukunda Behary Mullick was then, by leave of the Council, withdrawn.

6-45 p.m.

Mr. PRESIDENT: As it is only 8 minutes to 7, I am afraid it will not serve any useful purpose if we take up another resolution at this stage; more so as to-day is the last day for resolutions.

Maulvi TAMIZUDDIN KHAN: Sir, the next resolution is a small one and may be finished with the ten minutes that remain.

Mr. PRESIDENT: Very well.

The following resolution was called but not moved and therefore deemed to be withdrawn:—

Haji BADI AHMED CHOWDHURY: "This Council recommends to the Government to sanction a plot of land on the Chittagong Court Hill (Fairy Hill) for a prayer house at the north-east corner of the court building and at the back of the stamp vendors' stall."

Suspension of civil courts' works for Jumma prayers.

Mr. A. F. M. ABDUR-RAHMAN: I beg to move that this Council recommends to the Government to take whatever steps may be necessary, whether by legislation or otherwise, so that all civil courts

in this Presidency be closed on Fridays between the hours of 12-30 p.m. and 2 p.m. in the same manner as all criminal and revenue courts are now closed, to enable Muslim officials, employees, litigants, witnesses and members of the Bar to say their *Jumma* prayers.

I think Government will not have much difficulty in accepting this resolution.

Maulvi TAMIZUDDIN KHAN: Sir, all criminal and revenue courts are closed on Fridays between the hours of 12-30 p.m. and 2 p.m. to offer facilities to Moslems to say their *Jumma* prayers. But, Sir, unfortunately no such facilities are given so far as civil courts are concerned. I think Government will have no objection to make arrangements for granting such facilities to people having transaction with civil courts.

The Hon'ble Mr. R. N. REID: The position is that, as the last speaker has said, the revenue and criminal courts are closed on Fridays for a certain period. The High Court, I understand, is considering the matter sympathetically and we are waiting for their recommendation. As soon as we receive it Government will pass orders. At present, however, Government are not in a position to know what the views of the High Court in this matter are, but I think I may safely tell the House that they are considering the matter sympathetically.

Mr. A. F. M. ABDUR-RAHMAN: After what I have heard from Hon'ble the Home Member, I should now desire to withdraw my resolution. All that my resolution wanted was that the Local Government should take some steps recommending to the High Court for their earnest consideration the necessity of giving facilities to all Muslims to say their *Jumma* prayers on Fridays between the hours mentioned in my resolution.

Mr. A. K. FAZL-UL HUQ: I think, Sir, the Local Government can take some steps and recommend to the High Court to deal with the matter speedily. I think this can be done.

The motion of Mr. A. F. M. Abdur-Rahman was then, by leave of the Council, withdrawn.

Mr. SHANTI SHEKHARESWAR RAY: Only five minutes are left and I do not think I need move my resolution.

Mr. PRESIDENT: I think I should adjourn the House now, but if you insist upon moving the resolution which stands against your name, I shall not stand in your way.

Action against officers connected with Hijli incident.

Mr. SHANTI SHEKHARESWAR RAY: It is not a question of my moving it, but if the House is in session and if you decide to go on, I must move it, as I consider it a public duty to do so.

I beg to move that this Council recommends to the Government that action under section 124 of the Government of India Act be taken against persons holding office under the Crown in India, particularly the Government servants mentioned in the report submitted by the Committee appointed to inquire into the occurrence who indulged in unjustifiable firing and caused injuries to some of the inmates, for oppressing British subjects within their jurisdiction or in the exercise of their authority in connection with the occurrence at the Hijli Detention Camp on the 16th September, 1931.

Sir, I owe a word of explanation for bringing up this matter at this late hour of the day. The fact is: I sent a notice of this resolution at the earliest possible opportunity after the incident—but in the ballot held in January last I failed to secure a place for the resolution early enough to raise a discussion. I tabled a token cut motion during the budget discussions but there too the guillotine came to the rescue of the Government. At last, the House has got the opportunity to record its decision over the affair. In a way it is good that there should have been this delay. We are in a position to consider the matter calmly. The broad facts are well-known. I may repeat the findings of the Committee of Inquiry appointed by the Government consisting of two senior members of the Indian Civil Service. In the report they say: There was in our opinion no justification whatever for the indiscriminate firing (some 29 rounds were found to have been fired) by the sepoys upon the building itself, resulting in the death of two of the detenus and the infliction of injuries on several others. There was no justification either for some of the sepoys going into the building itself and causing casualties of various kinds to some others of the detenus.

I shall now refer to the resolution of the Government of Bengal in this connection—the resolution which, I am afraid, will for all time to come remain as a blot on the administration as a barefaced attempt at whitewashing erring officers. In the resolution No. 20834, dated the 4th December, 1931, it is admitted that the guard which entered the Camp when the alarm was given was not kept under proper control, that there was unjustifiable firing and that some of the sepoys entered the building and caused injuries to some of the inmates. Now, after the findings of the Committee and after the conclusions arrived at by the Government it is intriguing to find that the Government of

Bengal hold that the action of these sepoys was merely a breach of discipline. And the only action Government take is, I quote from this precious resolution: "As regards the breaches of discipline on the part of the police concerned in the incident of the 16th September, 1931, these will be dealt with departmentally by the Inspector-General of Police."

Sir, I ask the House to record its emphatic protest against this sort of whitewashing. Sir, I ask the House to stand for justice even at this late day. Sir, I find that even under the existing constitution there is some safeguard against the vagaries of individual Government servants. The fact is that there is a dearth of men at the head of the administration—in the Government—who are prepared, who have the sagacity, who have the courage to work in the true spirit. Under section 124 of the Government of India Act, 1919, it is laid down——

Adjournment.

The usual hour of adjournment having been reached the Council was adjourned till 3 p.m., on Thursday, the 4th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 4th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 119 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Jurisdiction of the munsifs' courts, Dinajpur.

*12. **Maharaja JAGADISH NATH RAY, of Dinajpur:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether any redistribution of the jurisdiction of the munsifs' courts in the district of Dinajpur is being considered at present or about to be considered?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the jurisdiction of any munsif's court at the Dinajpur Sadar is likely to be interfered with?

(*c*) If so, which of the thanas are likely to be taken out and which court of the munsif in the district are they to be brought under?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No.

(*b*) and (*c*) Do not arise.

Pecuniary jurisdiction of Munsif, Gopalganj.

*13. **Rai Sahib SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of the Government to abolish the civil courts at Bhanga and Chikandi (Faridpur)?

(*b*) If so, are the Government considering the desirability of extending the territorial and pecuniary jurisdiction of the munsif's court at Gopalganj (Faridpur)?

The Hon'ble Mr. R. N. REID: (*a*) There is no such proposal before the Government at present.

(*b*) Does not arise.

UNSTARRED QUESTION

(answer to which was laid on the table)

Sheristadar, Mymensingh Judge's Court.

13. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the present *sheristadar* of the Mymensingh Judge's Court will retire in October or November next?

(*b*) Are the Government considering the desirability of appointing suitable Muhammadan candidates to the posts of *sheristadar* and *nazir* in the Judge's Court, Mymensingh?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) These appointments are made by the District Judge. Government have no reason to apprehend that he will not give full consideration to the claims of qualified Muhammadans.

Motions for amendment of the standing orders.

The following motions were called but not moved:—

(*1*) *Amendment of Standing Order 12 (section 24).*

MUNINDRA DEB RAI MAHASAI to move for leave to amend Standing Order 12 as follows:—

In the second proviso to Standing Order 12, before the word "exclusive" the following be inserted, namely:—

"exclusive of such questions as may be disallowed, and".

(*2*) *Amendment of Standing Order 63 (section 70).*

MUNINDRA DEB RAI MAHASAI to move for leave to amend Standing Order 63 as follows:—

In the second proviso to Standing Order 63, before the word "exclusive" the following be inserted, namely:—

"exclusive of such questions as may be disallowed, and".

NON-OFFICIAL MEMBERS' BILLS

The Bengal Village Self-Government (Amendment) Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1932, by Munindra Deb Rai Mahasai.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1932, as reported by the Select Committee, be taken into consideration.

The Bill is a very short one. Clause 2 empowers union boards to undertake small irrigation projects. The Select Committee has added the words "with the sanction of the Commissioner." Clause 3 provides that the union boards may, subject to any rules made under section 101, make grants to—(*a*) any dispensary under public or private management, or (*b*) any library or reading room maintained for the public benefit and open to the public, and on the managing authority of which the union board is represented. In clause 5 of the Bill, section 56 has been so amended as to require the approval of the Local Government in the matter of the removal of the President of the union board.

The motion was put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 2(2) for proposed new section 31 (*g*) the following be substituted, namely:—

"(*g*) with the sanction of the district board, undertake small irrigation projects, costing not more than one thousand rupees."

Sir, in support of my motion I submit, for the consideration of the House, that in small irrigation projects the union boards may undertake such projects with the sanction of the district boards and as I think there should be a limit, I have proposed that projects costing not more than Rs. 1,000 may be taken up with the sanction of the district board. I hope this amendment will be accepted by the House.

Mr. PRESIDENT: I find that there are two amendments to this particular clause; I propose that these amendments be moved now so that there may be one discussion on all the three motions.

The following motions were called but not moved:—

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 2(2) in proposed section 31(*g*) in line 1, the words "with the sanction of the Commissioner" be omitted.

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 2(2) in proposed section 31(*g*) in line 2, after the word "projects" the following words be added, namely:—

"not costing more than two thousand and five hundred rupees."

Babu SATYENDRA NATH ROY: Sir, I support the amendment moved by my friend, Babu Kishori Mohan Chaudhuri. The clause, as amended by the Select Committee, says "with the sanction of the Commissioner, undertake small irrigation projects;" "small irrigation projects" seem to be meaningless because without a money-limit there cannot be a definite distinction as to whether it is a small project or a big project. People working in local bodies know very well that the money-limit is absolutely necessary. Moreover, the sanction of the Commissioner should not be necessary. The sanction of the district board for a project of Rs. 1,000 would, I think, be quite sufficient. In these circumstances, I support the amendment.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I wholeheartedly support the motion of Babu Kishori Mohan Chaudhuri for the following reasons: In the Bill, as drafted by Munindra Deb Rai Mahasai, no definite amount has been laid down; it has merely been stated that small projects may be undertaken with the sanction of the Commissioner. As already pointed out by Mr. S. N. Roy the amount should be specified as otherwise it will be difficult for the authority concerned to sanction the projects. Though Rs. 1,000 appears to be too much, the amendment should have our support. If the estimate is limited to a certain amount, it will help the sanctioning authority in coming to a decision. With these words, I support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the motion. There is no reason why the Commissioner should be divested of this authority over the union boards and it should be cast on the district board. I think union boards have so far flourished very well under the supervision of the Commissioner, and I do not exactly follow the psychology of this amendment. So I oppose it.

The motion of Babu Kishori Mohan Chaudhuri was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Banerji, Rai Bahadur Keshab Chandra.
Baanerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Absar.
Chose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Maulvi Muhammad Abdul.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Peddar, Mr. Ananda Mohan.
Rahman, Mr. A. F.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hosani.
Roy, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.

NOES.

Ali, Mr. Altaf.
Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur, Sushil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. G. R.
Hossain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Mr. Satiswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. S. R.
Sen, Rai Sahib Akshoy Kumar.
Stapleton, Mr. H. E.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 31 and the Noes 51, the motion was lost.

3-15 p.m.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

The Preamble.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1932, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1931.

Maulvi SYED MAJID BAKSH: I beg to move that the Bengal Tenancy (Amendment) Bill, 1931, be referred to a Select Committee consisting of——

Mr. PRESIDENT: May I at this stage inquire whether you have got the consent of all the members whom you have mentioned in your motion?

Maulvi SYED MAJID BAKSH: No, not all. I shall read the names of those members whose consent I have taken; they are—

(*1*) the Hon'ble Member in charge of the Revenue Department;

(*2*) Khan Bahadur Muhammad Abdul Momin;

(*3*) Maulvi Tamizuddin Khan;

(*4*) Maulvi Nural Absar Choudhury;

(*5*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(*6*) Babu Amulyadhan Ray;

(*7*) Babu Jitendralal Bannerjee;

(*8*) Mr. Sarat Kumar Roy; and

(*9*) the mover,

with instructions to submit their report as soon as possible and the number of members whose presence shall be necessary to constitute a quorum shall be four.

I have left out the names of Maulvi Syed Jalaluddin Hashemy, Maulvi Muhammad Fazlullah and Dr. Naresh Chandra Sen Gupta, whose consent I have not obtained.

This Bill was sent for circulation last session and the provisions are well known by this time. I shall read out the relevant opinions that have been expressed on it. I will first deal with the opinion that I have of the Commissioner of the Presidency Division, now Chief Secretary to Government. He is in favour of part of the Bill, namely, that as regards execution proceedings in rent decrees. He has quoted the opinion of the High Court who has expressed this opinion on the provisions of the Bengal Tenancy (Amendment) Act, 1928, and gives cogent reasons in favour of it. Their opinion is: "To insist in such cases upon an officer of the court being appointed guardian would unnecessarily add to the costs of the suit which would ultimately fall upon the minor defendants; and in *petty rent suits* such costs are disproportionate to the claim. As a majority of such suits are decided *ex parte*, their Lordships think that clause 93 (*8*) may be accepted. It was in view, therefore, of the petty and generally uncontested character of the suits that the charge was made in respect of rent suits. Suits for enhancement of rent, however, are almost always contested and resisted with great persistence. They are much more important than rent suits in their effect on the tenants. A natural guardian, not unoften, may act collusively with landlords to secure benefits to himself at the expense of his minor ward. The landlord has a much stronger interest to secure *ex parte* decrees. The interests of the minor require much more stringency and safeguards in these suits than those for arrears of rent. I am accordingly of opinion that the proposed relaxation in the case of enhancement of rent and in execution proceedings of such decrees is inadvisable."

The opinion expressed here may be modestly described as self-contradictory. The very arguments that have been applied ought really to apply to the execution of rent decrees as has been clearly pointed out by the gentleman in his opinion that so far as the execution of rent decrees goes, the proposal is reasonable. There is no reason why the same consideration which induces the concession in respect of the rent suits, should not be applicable to the rent decrees: in fact, the latter should be consequential to the former.

As regards the enhancement of rents, of course there is the question of agreement which may be arrived at at the Select Committee. What is done is that a pleader guardian is appointed in enhancement of rent suits; he issues a registered post card, and the registered post card is, in the case of minors, returned unserved and if it is served, nobody appears for them. In the majority of cases nothing further is done because naturally a minor must be living with the guardian, and if the guardian wishes to contest the suit, he comes and if he does not, there is none to appear for him. The pleader simply files a report that he has submitted a registered card, but has no further instruction. Naturally it comes to the same whether in the case of rent suits or in the case of enhancement of rent.

As regards the Commissioner of the Burdwan Division (Mr. Hogg) he has expressed his whole-hearted support to the Bill. This guardianship is generally taken by pleaders, and I agree with Maharaja S. K. Acharyya who has expressed an illuminating opinion in the matter. He says: "A notice would be sent to him asking him whether he would consent to defend the suit as such guardian. If he did not appear or did not agree to defend the suit on minors' behalf, the plaintiff would be required to deposit a cost not less than Rs. 8 in the sub-judge's court and Rs. 4 in the munsif's court, for appointing a pleader guardian. The duties of the pleader guardian appear to be this: he would send a registered letter to the minor or the minor's guardian requiring him to come and give information for filing written statement on behalf of the minor. In ninety-nine cases out of hundred, no reply ever came. The pleader guardian would then represent before the court that he had done his best; no one had appeared before him. He has, however, earned the cost deposited, and the same may be paid to him. The net result would be that the tenant would be saddled with a cost without any benefit accruing to him. The legislature by the Amendment Acts has put an end to this farce. Now the execution follows the decree as a matter of course. It is a proceeding in the same suit. One cannot go beyond the decree and no purpose is likely to be served by merely prolonging matter and saddling the tenant with further cost. For, as in suit, so in execution cases, no one is likely to appear at the instance of the guardian pleader. And certainly nothing is likely to be gained after the decree is passed. One can delay and

harass the plaintiff, but cannot do anything more. Why then the poor tenant should be saddled with further cost—a cost which sometimes exceeds the claim?

Whenever there is a real defence, the natural guardian sees that the case is defended. The pleader guardian is usually looked upon with distrust. The whole procedure is a machinery for the benefit of junior pleaders without corresponding benefit to the minor. The sooner an end is put to this sort of procedure, the better both for the landlords as well as the tenants."

I would simply say that the only objection raised is against the summary procedure being extended to enhancement of rent suits. Of course, I apologise to you, Sir, for any defects in the drafting of the Bill. If I had simply added a proviso to clause 3 to the effect that sub-section (*k*) of section 148 shall not apply to enhancement of rent suits, it would have simplified matters, and I shall certainly do that in Select Committee.

3-30 p.m.

As the Bill is going to the Select Committee, if I see that the summary procedure is not accepted, I will drop it. I have already said that if the procedure is not adopted, it will only result in saddling the poor tenants with cost. I suggest that sooner the Select Committee is appointed, the better it will be for the benefit of the tenants. Similarly in a large number of suits a landlord has also to pay a large sum. It will, therefore, be to the benefit of both parties—both the tenants and the landlords. If there is any defect in the Bill, of course the Select Committee, under the guidance of the eminent Hon'ble Revenue Member as its Chairman, will be able to remedy it. Therefore, I request my friends to give me a chance in the Select Committee and not throw out the Bill at this stage. I promise that I will see that the Select Committee presents the Bill in a form that would be acceptable to Government.

Mr. NARENDRA KUMAR BASU: I beg to oppose this motion. Maulvi Syed Majid Baksh in reading the opinions that have been circulated was pleased to say that the opinions of two of the Revenue Commissioners of the province were apparently in favour of a part of the Bill, but he has not placed before the House the opinion of the High Court which is decidedly against both the provisions of the Bill, and the High Court is distinctly of opinion that the enactment of this measure would be to the disadvantage of the poor tenants, especially the minor tenants. I will quote a couple of sentences from the opinion of the High Court. So far as the first part is concerned, the High Court says: "If the natural guardian neglects the interest of the minor and does not enter appearance in the suits for enhancement, the mischief would be much greater. The simple and cheap procedure in section 148 (*h*)

and (i) as they now stand may be justified in the case of petty rent suits, many of which go undefended, but cannot be justified when the landlord is seeking to establish a right to enhance the rent and to alter the conditions on which the tenancy was being held prior to the institution of the suit. Their Lordships do not think the suggested change will sufficiently protect the interests of minor defendants to the suit." They go on to say: "Their Lordships think that the provisions of section 148 (*h*) should not, for the same reasons as stated with reference to suits for enhancement of rent, be extended to proceedings in execution of such decrees. For in such cases also important questions regarding the validity of sales may arise. Further, if services of process in rent execution cases are effected on the natural guardian of the minor in the manner contemplated by section 148 (*h*) and in case the guardian is negligent and does not appear, valuable property may be sold for a small sum and irreparable mischief may be done to the minor. Their Lordships, therefore, do not approve of the amendment suggested by the Bill in question." I beg to adopt this as my argument and I shall ask the House to consider whether there is any necessity for this Bill. Who has asked for this Bill really? There has been no demand for it from the public. The High Court is against it and as far as I can judge, the Commissioners whose opinions my friend has read are also against it. I do not think it will be to the benefit of the minor tenants to have this Bill. I, therefore, oppose its reference to the Select Committee.

Khan Bahadur Maulvi AZIZUL HAQUE: Remembering as I do still the pains of the Legislative Council, not in this Chamber but in the Chamber near by and the days of troubles and agonies the members then passed through, I am surprised to see that my friend Maulvi Syed Majid Baksh has found this defect in the Bengal Tenancy Act instead of devoting himself to many realities which would be of benefit to the tenants. I am surprised all the more to see that as a matter of fact this Bill, at this stage, has been brought in with a view not to give all the advantages that a man is entitled to before all his rights are done away with but to give a little more summary remedy in what are known as the enhancement proceedings and rent suits. Many of you would probably remember that this section 148 has devised with its various sub-sections certain summary methods, certain special procedure, certain atrocious rules of procedure which could not be found in any other part of the world. And yet my friend wants that by this section each and one of the sub-clauses should be applicable not only to the rent suits but also to enhancement of rent suits, which is a very important question. After all I cannot imagine a greater calamity for a tenant than of going to a law court not to get his rent enhanced. It is the duty of the legislature to see that all opportunities are given to him so that he may go and put his case before the court. On the other

hand, my friend says that it would be quite well if a proviso be added that the proviso to clause (*a*) would not be applicable to the enhancement of rent suits. I am afraid my friend is mistaken, but in two other clauses there is a provision that a written statement could not be filed in court. Am I to understand that my friend wants to provide that the leave of the court would be necessary before a man was allowed to file his statement? If he wants to do that, he will have to change the law lock, stock and barrel because I find it will provide an exception with reference to clause (*a*), but in clauses (*b*) to (*z*), that is to say, in all possible clauses and the sub-sections of those clauses we find that provision. I must say I have yet found no reason why we should do away with the ordinary rules of procedure in enhancement of rent suits. Enhancement of rent is bad enough just as unearned income is a questionable matter. He advises a special procedure by which the right of a minor is to be done away with. I am afraid the legislature would be putting something on the Statute Book which is not to be found anywhere else in the world. The tendency of law is to give those who are in such circumstances in which it is not possible for them always to go to court all possible protection. I am afraid it is not possible to agree to the reference of this Bill to a Select Committee in its present form. I hope my friend will come forward with another Bill in which he would make better provision for restricting the law. I must oppose this Bill.

Rai Sahib AKSHOY KUMAR SEN: Mr. President, Sir, the change suggested by the Bill, in my humble opinion, is not necessary for the following reasons:—

(*1*) Section 148 (*b*) of the Bengal Tenancy Act relaxes the provisions of Order 32, rule 4, of the Code of Civil Procedure; only in cases where the suit is simply for recovery of arrears of rent brought by landlords against defaulting tenants. In such suits, as the section now stands, the court may serve a notice on the natural guardian of a minor defendant informing him that he will be treated as the guardian of such defendant in respect of such suit provided he does not appear and raise objection, if any, within time fixed by court not being 14 clear days from the date of service of notice. If there be no such objection within the time fixed by court, the natural guardian shall be considered to be duly appointed guardian of the minor defendant for all the purposes of the rent suit. Many of such rent suits are decided *ex parte*. In pure and simple rent suits and when a record-of-rights has been prepared and finally published, the only question which remains to be decided is whether any rent has been paid for the period under claim. The provisions of section 148 (*b*) cannot be the cause of any substantial injury to the minor defendant even in cases where owing to the non-appearance of the natural guardian the minor may somewhat suffer.

(2) But a suit brought by a minor for enhancement of rent stands on a different footing altogether. In such suits the minor asks for saddling the tenant with a recurring liability for payment of rent at an enhanced rate for all time to come. In suits like these the stricter provision for the appointment of guardian of a minor defendant, as enjoined by Order 32, rule 4, of the Code of Civil Procedure, should be adhered to and the provision of section 148 (*h*) should not be allowed to apply to suits brought for enhancement of rent either under section 30 on the ground of rise in price, etc., or section 52 (suit for additional rent for additional area). Because in such suits complicated questions of law and fact are to be gone into and decided. If in such suits the natural guardian happens to be a little negligent, great mischief will be done to the minor.

(3) As regards the suggestion for making the provision of section 148 (*h*) of the Bengal Tenancy Act applicable to rent execution proceedings, although the execution proceedings may be considered to be a continuation of the original suit in which the decree was passed if services of notice be made on the natural guardian in the manner provided by section 148 (*h*) in rent execution cases by which properties of minors are liable to be sold and effectively disposed of for a small decretal amount, a little indifference or negligence on the part of the natural guardian may cause irreparable mischief to the minor defendants; so in rent execution cases also, for the interest of minor defendants the provision of section 148 (*h*) of the Bengal Tenancy Act should not be extended, although it may cause some hardship to the landlords and specially in these days of economic distress, to pay for the cost for the appointment of a court guardian. But the landlords should also remember that the money advanced for the purpose will have to be paid by the minor defendants under the law, for safeguarding whose interest the landlord had first to pay.

(4) The Bill, as it suggests for making the plaintiff in a rent suit liable for cost for serving notice by registered post on natural guardian, cannot be justified. Last of all I beg to submit that the Bengal Tenancy Act of 1885 was thoroughly overhauled and the amended Act came into operation only the other day, and we found that in the course of the last two years several unsuccessful attempts were made to make additions and alterations here and there in the amended Act.

In my humble opinion a comprehensive Bill may be put forward for amending all the provisions of the Act which, in the opinion of some of my hon'ble friends, appear to be unjustifiable. A piecemeal consideration of a voluminous Act like the Bengal Tenancy Act may entail further complications. For these reasons I oppose the motion for referring the Bill to a Select Committee.

3-45 p.m.

Mr. C. C. COOPER: I rise to oppose the motion. Apart from the obvious defects and deficiencies of the proposed Bill which cannot commend itself to any one, we are opposed on principle to any piecemeal legislation, and cannot support any attempt at tinkering with the Bengal Tenancy Act.

Piecemeal legislation is dangerous at all times, and we are opposed to it on principle.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, my task has been considerably lightened by the speeches made by the previous speakers. Confining myself only to questions of principle, because that is the only relevant point just now, I will say that Government must oppose the Bill. Mr. Cooper has pointed out—and I entirely agree with him—that it would be dangerous to tinker with the Bengal Tenancy Act in a piecemeal fashion, and I am sure that this consideration will weigh with the members of this House. Sir, I shall take up the two points in the amendment separately, namely, summary proceedings for suits for enhancement of rent and summary procedure for execution of decrees. As regards summary proceedings for enhancement of rent, I submit that the provision in the existing Act ought to satisfy everybody, that is, that you should not allow the rent to be enhanced without giving suitable opportunity for such suits to be properly defended. The procedure mentioned in section 148 of the Bengal Tenancy Act has reference only to suits for rent where a record-of-right has been prepared. Even then it is a wide departure from the previously existing practice; when the *jama* is known or the rental paid every year is known, then practically the only issue is—what is the amount realisable? In other words, the dispute is confined merely to questions of payment and amount. That is one proposition. But if we apply the provision suggested by Maulvi Syed Majid Baksh in suits for enhancement of rents, a question may arise that the tenant's *jama* is really a *makarari jama*, and I would like to know if Maulvi Syed Majid Baksh, coming as he does—at any rate he says so—from the *praja* party, seriously suggests that the poor minors' rights should not be effectively defended by a guardian and by the filing of a written statement. We all know that where the interest of a minor or widow is involved, unscrupulous *gomostas* sometimes enter into league with the major co-sharers to deprive the minor or widow of the interest. We also know that the minors and widows cannot protect themselves as readily as a major adult can.

Maulvi SYED MAJID BAKSH: Action can be taken against the natural guardian.

The Hon'ble Sir PROVASH CHUNDER MITTER: I thank my friend for the interruption. If the pleader guardian does not do his duty, he can be sued, but can the natural guardian be sued so easily? However, I maintain that it will be dangerous to allow this further departure from a well-established practice.

As regards execution proceedings, I admit that there is something to be said in favour of the proposal, and we are willing to examine that question on its merits; but the question is by no means so easy that we can accept the Bill drafted by Maulvi Syed Majid Baksh, even with regard to execution proceedings. The High Court has pointed out the difficulties very clearly in paragraph 3 of their letter, and I would read the remarks of the Hon'ble Judges with the leave of the House: "Their Lordships think that the provisions of section 148 (*h*) should not for the same reasons as stated with reference to suits for enhancement of rent be extended to proceedings in execution of such decrees. For in such cases also important questions regarding the validity of sales may arise. Further, if services of process in rent execution cases are effected on the natural guardian of the minor in the mannencontemplated by section 148 (*h*) and in case the guardian is negligent and does not appear, valuable property may be sold for a small sum and irreparable mischief may be done to the minor. Their Lordships, therefore, do not approve of the amendment suggested by the Bill in question."

Now, let us consider for a moment if the natural guardian does not appear, then what will happen. Let us take a case of fraud—and unfortunately frauds are not unknown,—where a major co-sharer who is the natural guardian is kept away by arrangement and the property of the minor is sold. Perhaps property worth Rs. 5,000 may be sold for Rs. 500. If you have a pleader guardian and even if the pleader guardian does not do his duty at any rate the minor on attaining majority can sue the pleader guardian and the pleader guardian would be liable to damages. The pleader guardian can also be hauled up before the court for his fraudulent or negligent conduct and he may be disbarred or otherwise suitably punished. Sir, there is, however, another aspect which requires further consideration. In a petty execution case arising out of a rent suit the decree may be for a small amount, but the cost for the formal appointment of a guardian may be comparatively high. How can we reconcile both the difficulties? Up till now we have not been able to find any suitable remedy, but we are anxious to find one to minimise the cost and at the same time to give protection to minor tenants. We are, however, convinced that the Bill, as it stands cannot possibly be accepted. I can give this assurance to the mover and to the members of this House that as regards execution proceedings we shall be prepared to examine the matter not only to examine it but if we prove successful in our endeavour to bring in an amending Bill not of the whole Tenancy Act but on this point along with various other minor

provisions. We shall try and if we can find a satisfactory solution, we shall try to put that in an amending Bill at the earliest possible opportunity. I trust after this assurance the mover will withdraw his motion. If he does not see his way to do so, I am afraid I must oppose it.

Maulvi SYED MAJID BAKSH: Sir, may I know if it is contemplated that an amending Bill will be brought in by Government so far as execution proceedings are concerned?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already said that we cannot accept the Bill as it stands on questions of principle, because it deals with both enhancement of rent and execution of decrees. So far as execution proceedings are concerned, I cannot definitely promise that we shall introduce a Bill; but I say this much that if either Maulvi Syed Majid Baksh or any one else puts forward any feasible suggestion which will minimise the cost of litigation and at the same time will protect the interests of minors, we are prepared to consider that suggestion carefully and to introduce a Bill after discussion if discussion be necessary. For the purpose of that amendment I do not want to wait till the whole Bengal Tenancy Act is ripe for amendment. There are certain provisions of the Act which had better be left untouched; but amendments on various other minor points may be necessary and we have an amending Bill under consideration. We are considering what other minor amendments are necessary. There is a file on this subject, and in that connection we are willing to examine what is possible not only on the materials before us but I can assure the members that any suitable suggestion that may be put forward by any member will be carefully considered.

The motion of Maulvi Syed Majid Baksh was then, by leave of the Council, withdrawn.

The Bengal Pasture Bill, 1932.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Pasture Bill, 1932, be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of Agriculture and Industries Department;

(*2*) Mr. L. R. Fawcus;

(*3*) Dr. Naresh Chandra Sen Gupta;

(*4*) Maulvi Abdus Samad;

(*5*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

(*6*) Mr. Sarat Kumar Roy;

(*7*) Babu Khetter Mohan Ray;

(*8*) Babu Suk Lal Nag;

(*9*) Khan Bahadur Maulvi Azizul Haque;

(*10*) Mr. P. Banerji;

(*11*) Babu Jitendralal Bannerjee; and

(*12*) the mover,

with instruction to submit their report as soon as possible and the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. President, Sir, our popular agricultural Minister was jubilant over the killing of the Cattle Bill. It had certain defects, but he has up to now given us nothing better. This Bill seeks to provide healthy food for cattle. In Bengal no fodder crops are raised for the use of cattle. They eke out a miserable existence by chewing cuds from whatever they can get out of bare earth. In bygone days when people venerated the cow as *go-mata*, there was pasture land in every village. With the advance of civilisation, reverence for the cow who fed humanity during infancy with milk began to decline and the pasture lands were appropriated for cultivation. It yielded more crops and brought in lots of money. As an inevitable result, the cattle deteriorated. The yield of milk became less and less. The cows which yielded, say, five seers of milk a day, declined to yield more than one-tenth of it. Nowadays one would thank his stars if he can get two seers of milk out of an ordinary country cow. The bullock refuses to carry more than half the weight which they carried before. They can scarcely plough half the land they used to do formerly. What is this due to? The want of good pasturage is responsible for this deplorable state of things. In Orissa even at the present moment the landholder has got to reserve 5 per cent. of the land for pasturage. But that is not the case with Bengal. Milk is one of the most nourishing foods, but its scanty supply has made it a very dear commodity for ordinary people to use and more so in the city. Infant mortality and the physical deterioration of the Bengalees are certainly due to the want of this nourishing and invigorating food. Cow is getting diminutive in size and weak in body. These haggard creatures bereft of milk cannot command reverence. The cows of Western countries—the country of beef-eaters on the other hand—are kept and maintained in hardy style and their very appearance commanded reverence and yet we do not feel ashamed to call ourselves Hindus and worshippers of *go-mata*. The Pasture Bill seeks to provide better and wholesome food for cattle amidst congenial surroundings. I frankly admit that the Bill has its defects, but it is capable of improvement in the committee stage where the defects can be rectified. Sir, I feel very keenly for the physical deterioration of my countrymen and I firmly believe that, if milk and fish, the two chief substantial

feeds of the Bengalees, can be had in plenty, the health and wealth of the people are bound to improve. With these few words I commend my motion for the acceptance of the House.

4 p.m.

Rai Bahadur KAMINI KUMAR DAS: Mr. President, Sir, I think it is my duty to oppose the present Bill and resolution of Munindra Deb Rai Mahasai to refer it to a Select Committee and am not for sending it to the Select Committee at all. Rai Mahasai may well think for dumb millions because he has enough to spare. I have to oppose him because I come from a far remote area and I have to consider the case of those people who are struggling hard for their daily bread. In our part of the country we are so much in want that people flock in numbers when there is a parcel of land to lease to grow paddy. I have often tried to speak before you about the Badarkhali colonisation at Cox's Bazar. It has been decided to lease 1 *drone* and 9 *kannies* of land to one who has no house to live in and no land to cultivate. Still in that unwholesome quarters exposed to rain and wind, birds and beasts of prey, agreeing to pay a high rate of rent, people migrate and struggle to get leases for bringing land under cultivation. Besides, Rai Mahasai may speak but does not feel about the hard times we are in. At this critical period of their very existence to ask the poor cultivators of the soil to comply with the provisions of the Bill is hard indeed. It has been circulated to elicit opinion on the Bill, but people who are really to give opinion are only a bit better than those for whose protection this Bill is now before you. The Government have done what is possible for them to do; they have written to the public bodies and such bodies have given their opinions which Government have to consider; it is not possible to get the opinion of individuals, many of whom live far apart from these public bodies. Again, I do not find in the list of the public bodies to which the Bill has been sent for opinion the name of the Chittagong Association which represents the views of the Chittagong people of all sects and creeds and position in life. The Islam Association is presumed to have been written to, but I do not find in the papers what opinion, if any, has been given by the members.

I find that 27 public bodies have been asked to give opinion about the Bill of which only a few have responded. There is legal presumption that other bodies have got the notice but presumption of experience does not always support this presumption of law. Again as to individuals or interested persons, I find only there is a publication, in the *Calcutta Gazette* of the 11th March, but, Sir, will you please consider how many of these millions of interested persons do really see the *Calcutta Gazette*, not even one in 10,000. Of above-mentioned associations, the (*1*) Indian Association has opposed the Bill as it is, properly and justly, of opinion that the measure is contentious, seeks to recover for

pasture purposes lands that may have been long in the possession of private individuals and is likely to be harsh in its application. Those who do not know Rai Mahasai may say: this may be an attempt on the part of landlords to take away the land from poor tenants who are possessing the same for generations. (*2*) Malda Muhammadan Association has also opposed on individual and general grounds: It says that there is no suitable land in Malda for such purpose. There is no trace available of any pasture ground being reserved at any time for grazing cattle, which at once concludes that the people of Malda never felt any necessity for any such ground. This association justly opposes the Bill by saying it is preposterous especially at this time of money scarcity to introduce another item of taxation the very idea of which will take the breath out of poor villagers, especially people of Chittagong who have to suffer heavily for the action of a very few. (*3*) Then comes the Marwari Association. I fail to understand how the opinion of this association can at all be taken into consideration. What knowledge it has or can have of the locality or lands in the interior? But still the association also have pointed out many defects in this Bill. At the same time it has suggested some improvements which is contentious, impracticable and will be far more pernicious to the poor individuals than the provisions of the existing Bill. (*4*) Then comes the British Indian Association. I do not know how many members of this association have any idea of pasture and grazing and their opinion further shows that I am not wrong in my surmises. They also do not support the Bill on all its grounds and one means they have suggested is as pernicious and cumbrous as the other provisions of the Bill, namely, to place the poor villagers again and once more at the mercy of the union board. The *zamindars'* rental, legitimate and fair, will be the first charge on the income of the union board. (*5*) The Central National Muhammadan Association has opposed the Bill on the ground that it involves several aspects, some provocative and some intricate, expensive and impossible and, therefore, at present should not be proceeded with.

I find again another Landholders' Association of Dinajpur. My remarks to the British Indian Association applies on all fours to this association as well. On the whole, it has not given its whole-hearted support to all the provisions of the Bill. It has given its emphatic protest to the levy of any further cess or tax without which the intention of the Bill will be defeated; so it has in a manner opposed the Bill. In conclusion, like the British Indian Association, it has not forgotten to say, There is no reason why the landlords should be deprived of their rents. Such are the bodies to whom the Bill has been sent to elicit opinion of the public and interested individuals. Now these are the opinions received which are, on the whole, against the acceptance of the Bill. Such Bills were contemplated and rejected before and I fail to understand how we have become wiser to support the present Bill.

The Bill has many other defects which, I am afraid, I will not be justified to discuss in detail without tiring your already tired patience any further.

I, therefore, resume my seat hoping you will reject this Bill and will not send it to the Select Committee and thereby protect the interest of poor individuals for whose benefit the Bill is apparently intended.

Dr. NARESH CHANDRA SEN GUPTA: May I rise to a point of order? I find, Sir, that there is an amendment that the Bill be re-circulated. Ought that motion not to come up before a general discussion on the main motion takes place?

Mr. PRESIDENT: I think it is immaterial. The amendment may be taken up afterwards.

Dr. NARESH CHANDRA SEN GUPTA: It is not my motion, Sir. I was simply asking as to whether the amendment should not have come before.

Mr. PRESIDENT: But it is left to the President either to bring up the amendment now so that there may be one discussion on both the motions or take the amendment at a later stage.

Dr. NARESH CHANDRA SEN GUPTA: I was only drawing the attention of the Chair to this.

Mr. PRESIDENT: But that is not a point of order at all.

Mr. SARAT KUMAR ROY: In the permanently settled area of Bengal, it is inconceivable that there is any area which can properly be said to be "unoccupied," since the proprietary right to every piece of land within an estate is with the *zamindar* and this has been confirmed by the Permanent Settlement Regulation of 1793. The Crown or the Government does not own any land in Bengal except such as is held by them as *khas mahal* and I think the proposed definition of "Land at the disposal of the Government" is a misnomer and would militate against the principles of the Permanent Settlement Regulation and would, in effect, be an abrogation of the sacred pledge which was given to the landholders at the very commencement of the British Rule in Bengal. Neither this Government nor any future Government, which may step in to the shoes of the former, should attempt at nullifying such pledge, which was given for the purpose of rather establishing British Rule in India. For this reason only if for no other reason, the Bill should be rejected.

Again, there is another aspect which should not be overlooked. The Bill contemplates that after the land for pasturage is acquired, the management will be vested in a village board who will impose a grazing fee upon the owners of the cattle in the village. From my own experience, I can tell you that none of these owners of cattle in villages of Bengal will agree to pay such fees, overburdened as they already are with the liabilities for rents, cesses, education cess, union board taxes, etc. Hence the operation of the Bill will be impossible even after acquisition of lands.

The method recommended for acquisition of land for pasturage is highly illegal. No citizen can tolerate that his title to property should be snatched away from him without proper adjudication by a competent court of law and I think the executive officers of the Government ought not to be given such jurisdiction to determine the question of title to immovable property. The civil court is the proper place and tribunal for the purpose. Hence the Bill also aims at depriving a person of his fundamental rights regarding his property.

Lastly, the persons upon whom the burden of finding funds for the acquisition of pasturage is thrown will be least benefited by the project. Very few of them own cattle and hence it would be most improper to throw upon them the burden of providing funds. There are other unjust provisions in the Bill which are too numerous to be mentioned here. Hence I suggest that the Bill in its present form be rejected.

Mr. P. N. GUHA: Mr. President, Sir, it may be remembered that it was at my instance that this Bill was sent to circulation last time. Sir, this particular Bill has a history behind it. This is not the first time that a Bill of this nature has come up before the House. It was, I think, three or four years back that this very Bill was introduced into the Council by Dr. Moreno. In fact, several attempts were made to bring this and similar other measures such as Cattle Bill into the Bengal Legislative Council. This particular Bill, after it was introduced by Dr. Moreno, was referred to a Select Committee of which I was a member. We of the committee tried our best to give a shape to the Bill, but our best efforts failed to make any head or tail of it. The Bill is before the House once again and I am sure that the mover is hoping to see it passed.

Sir, the very first thing I would like to point out in connection with the Bill is that the problem of pasture lands is an economic one and the proposed legislation will affect many vested interests, which is not at all desirable at the present moment. My second point is the question of the utilisation of the landlords' fees for the purpose of acquiring lands for pasturage. It may be recalled that it was mainly at the instance of myself and my friend Mr. Fazl-ul Huq that the landlords'

fees under the Bengal Tenancy Act, not taken by the landlords within a certain period, were given over to the district boards. To reverse this arrangement as is proposed in the Bill will be very unfair. My third point is the question of the land. It is known to all that at present the agricultural lands are not available in sufficient quantity in the important areas of Eastern Bengal at least and consequently a grave injustice will be done to the *raiyats* if lands are set apart for pasturage in the villages.

Sir, it is a well-known fact that during the rainy season it is almost impossible to find high lands in the eastern districts where the cattle can move. In my own district it is a common sight to see cows and bulls huddled together on small pieces of lands surrounded by knee-deep water on all sides. The cost of raising the lands in such areas will be prohibitive. There are various other points which can justly be raised against the Bill. The Bill, if passed into law, will prejudicially affect the interests of landlords, *raiyats* and tenure-holders alike.

In conclusion, I can assure you, Sir, that this is the very same Bill as was introduced by Dr. Moreno; not a word has been changed anywhere and I do not think that the mover has made out any case for referring the Bill, once rejected, to the Select Committee again. Further reference to a Select Committee will mean the acceptance of the principle of the Bill by this House. This should not be done, for the simple reason that the Bill has already been thrashed out. Sir, I oppose the motion and appeal to the mover to withdraw it.

Mr. PRESIDENT: Before I adjourn for prayer I should like to say that I find that there has been considerable opposition to this Bill. I feel that I should give a chance to the member in charge of the Bill to keep it alive by taking the re-circulation motion after the adjournment, so that those who have no intention to kill the Bill outright may vote for the motion for re-circulation.

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

The following motion was called but not moved:—

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be re-circulated for the purpose of eliciting further opinion thereon before the 15th November, 1932.

Babu JITENDRALAL BANNERJEE: Sir, so far as I can gauge the feelings of the members of this House, there is not one amongst them who would support Rai Mahasai's Bill, nor am I going to support it myself, though I admit that in a moment of legislative inadvertence

I gave my consent to serve on the Select Committee. I beg, however, to record my emphatic dissent from some of the opinions expressed here, especially those by the Kumar Bahadur of Dighapatiya and Mr. P. N. Guha. I fail to understand why the Kumar Bahadur went out of his way, to conjure up the ghost of the Permanent Settlement and to speak of vested interests. So far as I can judge, there is only one test—and that is the supreme test of all legislation—*viz.*, whether it is calculated to serve the public welfare or not. If public welfare demands a particular piece of legislation, it must be passed—no matter whether the Permanent Settlement or a whole phalaux of permanent settlements were arrayed against it. Similarly, if public welfare demanded the passing of this Bill, it would have to be passed, vested interests or no vested interests. Therefore, the only question which should weigh with us is whether the Bill is calculated to serve public welfare or not. Sir, the Bill of Rai Mahasai is not simply for the purpose of providing pasture lands—practically speaking, it is for the re-conversion of paddy land into pasture land; and the question is whether this will be to the advantage of the people of the country. Sir, I may tell the Rai Mahasai that if pasture lands have been gradually broken up and used for the purpose of growing paddy, it is not because human beings have a congenital antagonism to cows and cattle, but because the pressure of population upon the soil has greatly increased, and consequently there has been a necessity for more paddy lands and paddy lands have consequently usurped the places of pasture lands. I sympathise, and I am sure every body will sympathise, with the mover's complaint as regards the deterioration of cattle. He seemed to make it a grievance that the cows should refuse to give more milk and oxen refuse to carry greater burdens. I might suggest to my friend that perhaps this was due to the prevalent spirit of non-co-operation, and a little subsidized Government propaganda might be helpful. But, jesting apart, if my friend wants to improve the breed of cattle, what is required is that more land should, and not that pasture lands, be artificially restored, nor that the people should be taxed for the purpose of acquiring such lands.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, when a future historian will write in later years the history of legislation in this House as to who has been responsible for the greatest number of legislation, the largest number of questions and the largest number of resolutions, I will immediately point out one figure and one figure alone, though I shall not name him for the time being, and I think every one of us will be able to find him in spite of the fact that he may be pasturing in a quiet land. The present Bill is a masterpiece of ill-digested, badly drafted and ill-balanced legislation and one will notice that words have been put in without finding their real import and that a greater amount of power is thrown on the local authorities, yet within the four corners

of the legislation it is not stated whether the district board or the municipality or the union board is the local authority. The peculiar fact about this Bill is that everybody's house and land in the village will be taxed and yet a limited number of cows will have the privilege of grazing on the pasture land. I do not know, Sir, why the Rai Mahasai is so very anxious to tax everybody in order to allow a limited number of cows and buffaloes to roam over the country. I think that sufficient has been said in this House to record the protest that we are tired of these pastures and bulls in this House and I think that there should be a quick ending of all these things and the more quickly it is done the better.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, Rai Mahasai deserves our thanks for the noble end he has in view in introducing the Bengal Pasture Bill. The Bill aims at securing and preserving a sufficiently large acreage of pasture for the fast decaying breed of cattle of this province. But the plan of work suggested by him defeats the purpose for which the Bill has been framed.

Rai Mahasai makes the following suggestions:—

(*1*) those lands which had been previously left uncultivated and used as pasture for cattle or which had been mentioned as pasture in the settlement records may be taken possession of by the collector of the district for the purpose of converting them into pasture for cattle;

(*2*) adoption of measures for preventing the cultivators from taking for cultivation lease of lands, which are still lying uncultivated and are used as grazing ground for cattle; and

(*3*) to acquire lands, if necessary, for use as pasture on payment of adequate compensation.

As regards the first of the above clauses, I have to say that it does not at all seem reasonable that any land belonging to the poor cultivators should be taken possession of by the collector of the district for conversion into grazing ground without paying any compensation. The proposal for further taxation of the penurious and starving peasantry of the province and for acquiring land for pasture should be a matter for careful consideration.

We find that the proposed Bill aims at increasing the acreage of pasture without paying any heed to the hardships that it would inflict upon the poor peasantry who more than anybody else keenly feel the want of healthy cattle for their agricultural work. There are clauses

in the Bill which appear to be detrimental to the best interests of the peasantry and not to speak of improving the few heads of cattle that they possess at present seek to compel them to dispose of them.

I, therefore, oppose the Bill as also the amendment for sending it to the Select Committee."

4-45 p.m.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, this Bill was introduced in the Council in one shape or another more than once. It will be remembered that a similar Bill by Dr. Moreno was introduced in 1925. That Bill was referred to a Select Committee which amended it. Even then there was difference of opinion among the members of the Select Committee as many as four minutes of dissent were recorded. The Bill, as amended by the Select Committee, however, did not prove acceptable to the House in 1926, and an amendment by my friend, Mr. P. N. Guha, to refer it again to the Select Committee indefinitely was carried. This amendment was moved and carried evidently with the intention of killing the Bill as the Council dissolved shortly afterwards, and the Bill met with a natural death.

Those who have closely followed the trend of discussions in the Council in the past, I am sure, must have been impressed with the impracticable nature of this legislation. But I can assure the member in charge of the Bill that I have every sympathy with the object he has in view in introducing this Bill, and I fully appreciate his keen interest in the matter.

Sir, it has been urged that one of the causes of deterioration of cattle in Bengal is the gross inadequacy of pasture land. I venture to differ from this point of view. Undoubtedly the condition of cattle in Bengal is not what it should be; but the causes are partly climatic and partly economic. In tracing the cause of degeneration of Bengal cattle, Colonel Oliver, Animal Husbandry Expert to the Imperial Council of Agricultural Research, observes that his investigation points "to defects in the composition of their food and parasitism and other chronic disease as the main causes of extreme degeneration of cattle which occurs in the areas such as the paddy-growing districts of Bengal where waterlogging and leeching by rain regularly occur. Further, it is generally admitted that a damp climate such as we have in Bengal is unfavourable to the growth of vigorous cattle." It is clear that shortage of fodder is not by any means the whole matter. The whole question is how best to rear and maintain cattle in areas where flooding and heavy rainfall are constant features at certain times of the year. I would mention here that in Holland where the land is marshy and subject

to flooding like Eastern Bengal, some of the finest cattle in the world is produced, and the average of good cattle is very high. This is due to the fact that in Holland the cattle are entirely stall-fed. Similar arrangement will also have to be made in this province along with our attempt to evolve a good breed of animal.

I beg leave now to summarise briefly the insurmountable defects in the Bill which will make it wholly unworkable.

(*1*) The process of encroachment on grazing land has been going on for a pretty long time. The reason for this is that waste land, when brought under cultivation, pays better to grow crops on it than to reserve it for grazing purposes. It is extremely difficult at present to resume these lands, and, if done, will substantially disturb the economic condition of the people now in possession of these lands. Legislation with a view to resuming these lands will be resented by the various vested interests including that of the cultivator which will be affected by such a measure, and naturally Government will be very unpopular.

(*2*) The provision for taxation in clause 13 is another objectionable feature of the Bill. It is undesirable to introduce further taxation, particularly at the present moment, and, I am afraid, such a measure will be extremely unpopular.

(*3*) The proposal to apply the provisions of the Land Acquisition Act for acquiring grazing grounds is a new one, and the propriety of this is open to serious question. Even if the proposal is accepted, the cost of acquiring pasture grounds would be prohibitive and probably out of proportion to the advantage obtained.

(*4*) Forfeited landlords' fees now go to district boards. The Bill, if enacted, will deprive the district boards of an income the amount of which is not inconsiderable.

(*5*) Provisions of Chapter III which seem to empower the collector to expropriate landlords and tenants from lands would interfere with the rights conferred by the Permanent Settlement and other settlements. There would thus be confiscation of existing rights. Clause 31 of the Bill will not only affect the land revenue but will also deprive the landlord of his right to receive rent. This will tend to make a large number of cultivators landless.

In the face of these outstanding defects which will eventually mar the usefulness of the Bill, I am sure, the House will agree with me that it is hardly necessary to take up such a legislation for consideration. I, therefore, oppose the motion that the Bill be referred to a Select Committee.

Rai Bahadur KESHAB CHANDRA BANERJI: While supporting the principle involved in the Bill, I regret to have to oppose it on the ground that it not only affects vested interests, but it hardly serves the

purpose for which it is intended. In these days of economic distress, it is unwise to embark on a legislation of this kind, and the very fact that the majority of the public associations have disapproved of the provisions of the Bill, should be enough to prove that it is not opportune. If Mr. Hassan Ali had moved his amendment, I would have supported him, for, I feel that we should give the Rai Mahasai some consolation for the time and labour he has devoted to the drafting of the Bill and not throw it out altogether, but since the amendment has not been moved, I have no other alternative than to oppose it, although not without a certain amount of regret. I feel that the reference of the Bill to a Select Committee will hardly be of any use. Even if the motion for reference to a Select Committee were carried, I feel that the Bill would be changed lock, stock and barrel so as to be altogether unrecognisable. Rai Mahasai, therefore, would be well advised to redraft the Bill or bring forward a new Bill in the light of public criticism at the next session of the Council, so that it may be acceptable to all.

There is one problem in the Bill, which one like myself who is connected with the administration of a district board must oppose. The Bill contemplates to make over the forfeited landlords' fees to the village boards, and since the amendment of the Bengal Tenancy Act in 1928, as the Hon'ble Minister has rightly pointed out, all forfeited landlords' fees are to be appropriated by the district boards, these fees cannot be utilised by the village boards in the way suggested, and be regarded as a source of income to them. With these few words, I oppose the Bill.

Dr. NARESH CHANDRA SEN GUPTA: So many harsh things have been said of Rai Mahasai's Bill that I will not add to the chorus any further criticism of the Bill, but while I should have expected to have found such criticism of the Bill from this side of the House, it is somewhat disconcerting to find the Government Benches coming forward with nothing but destructive criticism. We are familiar with the charge that is often levelled at us that we put forward objections, but that our proposals are purely destructive, and that we have given nothing constructive. I should have thought that Government which is so very susceptible on this matter, so very much afraid of destructive criticism, in dealing with a measure of this sort, would have come forward with some constructive proposal to deal with a problem with regard to which there has been no dissentient opinion in this House,—the problem of the welfare of the cattle of Bengal. The Hon'ble Minister in his reply has assured us that pasture land is not the sole necessity for the improvement of cattle. He has referred to the instance of Holland whose stall-fed cattle are among some of the best cattle in the world. Has he come forward with any suggestion

for the provision of stall-feeding of cows in this country, which will make it unnecessary to provide pasture land? Has he come forward with any concrete suggestions for the purpose of preserving pasture lands which exist now, from further encroachment? Has he made any promise whatsoever, has he given us any assurance that the Government have the matter under their consideration, that they want to consider the whole matter of feeding cattle, in a comprehensive manner? Nothing of the sort. He has simply criticised the Bill which is not only a comparatively easy thing to do, and a cheap thing to do, but a thing unworthy of a Government which wants to do good to the people. If he had the opportunity, I am sure that the Hon'ble Minister would jump up and say that the Government has a programme, that it has done something, that it has been trying some experiments at the farm in the Malda district; I should say that I am fully aware of this, but my complaint is that Government has been doing nothing to carry forward the results of these successful experiments to other districts. The Government has not raised its little finger to remove the deficiency of fodder for cattle all over Bengal.

Well, Sir, I protest as emphatically as I can against this policy of Government to meet the constructive efforts of any member on this side of the House by mere destructive criticism of this sort.

MUNINDRA DEB RAI MAHASAI: With due deference to the wishes of the majority of the House, I beg leave to withdraw the motion.

The motion of Munindra Deb Rai Mahasai was then, by leave of the Council, withdrawn.

5 p.m.

The Bengal Suppression of Immoral Traffic Bill, 1932.

Babu JATINDRA NATH BASU: I beg to move that the Bengal Suppression of Immoral Traffic Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Member in charge of the Police Department;
(*2*) Mr. Narendra Kumar Basu;
(*3*) Babu Satish Chandra Ray Chowdhury;
(*4*) Maulvi Tamizuddin Khan;
(*5*) Haji Badi Ahmed Chowdhury;
(*6*) Mr. W. C. Wordsworth, and
(*7*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

With the advance of time society has gradually been eliminating various forms of slavery existing in our midst. This Bill aims at eliminating one of the most degraded forms of slavery. Commercialised vice has been flourishing all around us while we have been more or less indifferent. The problem has been receiving serious attention for some years past. After a careful examination of the conditions that have led to the development of the traffic, it has been found that one of the methods for dealing with the problem is to take away the facilities for the carrying on of the traffic. The barter in women and girls has its own market place. It has been found that the brothels are the market place where this barter takes place and the endeavour of civilised nations has been to deal with brothels in such a manner as to make commercialised vice impossible. The present Bill, it will be noticed, aims at eliminating the objectionable features in the system that prevails in this country. The keeping of brothels renders necessary the supply of inmates, and in this country, particularly in this province, that has given rise to traffickers who purchase little children and sometimes grown up girls and women for the purposes of this traffic. For the keeping of brothels the first necessity is to find a house. It will be noticed that the Bill starts with a provision which aims at the discontinuance of the use of houses by owners or lessees for the purpose of carrying on the traffic. It will be further noticed that the Bill also aims at preventing other methods employed for the purpose of carrying on the trade, such as, solicitation, procuration, importation and detention of children under 16 in brothels and the causing or encouraging of prostitution by a girl. It will also be seen that the Bill provides for the proper custody of minor children found in brothels and where foreigners come to India for the purpose of carrying on this traffic or extending this traffic, the Bill aims at deporting those foreigners. These are broadly some of the methods that the Bill provides for the purpose of dealing with this problem. As I have already said, this problem has been engaging serious attention for some years past. The Police Bills that were passed in this province about 1865 contain some provisions for dealing with the evil, but those provisions are meagre and ineffective. In spite of those provisions, prostitution and brothel-keeping increased in volume, until brothels spread all over the city of Calcutta and extended to great many other places where they were not in evidence previously. I have heard complaints that in fairs or *melas* in the interior of the country—and a number of these are held in the course of the year—temporary brothels flourish to the great danger and annoyance of the people frequenting those *melas*. It became necessary to take some steps. It was in 1907 that the Calcutta Police Act was amended. It gave some power to the authorities in the city to deal with brothels that existed in the neighbourhood of educational institutions or of lodging houses where students lived and also in the neighbourhood of places of public worship. Certain steps were taken as those resident in Calcutta

will tell you for the removal of brothels from the neighbourhood of colleges, from Beadon Square and Wellesley Square, but those steps touched only a fringe of the main problem. They did not have the effect that it was intended that they should have. Brothels flourished as before and openly, though not actually recognised or encouraged by the State by a regular system of registration as in some countries. But they flourished because they were suffered to exist without interference. The result has been that they have gradually grown and grown, and have extended not only all over the city but in a great many parts of the districts where prostitution was previously unknown. It has become a serious problem and it has become necessary that we should no longer remain indifferent, but try to devise means by which this most regraded form of human slavery, and this traffic in vice may be put a stop to. That is the main object of the Bill and that is why I ask this House to refer the provisions of the Bill to a Select Committee.

The following motion was called but not moved:—

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be re-circulated for the purpose of eliciting further opinion thereon before the 10th November, 1932.

Mr. NARENDRA KUMAR BASU: I rise to oppose this motion. It is as impractical as several Bills that we have just dealt with as ill-drafted and as hasty a piece of legislation as the others. My learned friend will pardon me if I say that it is the work of a visionary. I am sure that we, in this House, as practical men, have got to look at things as they are. It is said that the object of this Bill is to suppress prostitution, rather to abolish it as quickly as possible. I say that it is absolutely impossible. In the Statement of Objects and Reasons it is said that it will aid in checking the evil of commercialised vice and will lead to the gradual suppression of brothels and immoral traffic. I am afraid it will do nothing of the kind. If the provisions of this Bill are enacted into law, what will it do? It will drive the vice underground and spread it all over the province. Mr. J. N. Basu himself has just said that by the provisions of the Calcutta Police Act of 1907 prostitution has been transferred from Calcutta to other parts of the province where it was previously unknown. I do not know of any part of the province where prostitution was previously unknown. But Mr. Basu admits that when you had an Act for Calcutta it drove the evil across the borders of Calcutta. We have got to look facts in the face. It has been said that prostitution is the oldest profession in the world; I am not familiar with the early history of it and I do not know if it is really so. But I do not understand how it is possible for any legislature to say that men or for the matter of that women were not

to exercise his or her sexual instincts. We know that in modern towns and modern villages on account of the stress of modern economic life it is not possible for hundreds and thousands of inhabitants to get married and if these people are not allowed to exercise their sexual functions, I think the effect will be tremendous. Enforced repression of sexual instincts is not an unmixed blessing. We know, as every member knows, and we who have some familiarity with the law courts know that cases of abduction and gang rape are on the increase. I am afraid that on account of the economic condition of modern life fewer people are getting married; they cannot support their wives and children and that is one of the reasons for the prevalence of this evil. Take our own social custom. I am afraid that most of the poor girls who are abducted and taken away have got no places to go back to. Surely by our very social custom we are actually encouraging prostitution. You give them no means of subsistence, you do not allow them to come back to their own homes and live as respectable citizens and then you try to hound them down by means of this Act. This, I submit, is grossly unfair. There are numerous provisions in this Bill to which exception may be taken. For once in my life I am inclined to agree with the Commissioner of Police, Calcutta: He says that "the provisions of clauses 4 and 5 of the Bill would, if implemented, make the keeping of brothels and the business of prostitution illegal, but neither brothels nor prostitutes would thereby be abolished. In the last census the figures of registered prostitutes in Calcutta are given as 7,440 and the number of brothels as 1,400. Actually there are in Calcutta some 20,000 prostitutes. The mover of the Bill may, therefore, be first asked what he proposes to do with the prostitutes now in this city." I do not know whether this question has been formally put. I shall quote the effect of a similar Act in Bombay where the Commissioner says: "The year under report has been a very difficult one from various points of view. In the first place must be mentioned the fact that the executive took a very hasty step in suddenly closing all brothels which numbered about 500 with nearly three to four inmates in each, without reckoning what happens to the persons dishoused from such homes in Bombay. This let loose nearly 2,000 to 3,000 bad characters in the city for whom there was no habitation or occupation. They were shunned by their relatives and acquaintances, cursed by the parents and hated by the general public. Wherever they could get a footing, they set up on their own and started in the life they were used to without further persecution from the authorities. The Europeans and Anglo-Indians have set up houses in the midst of the best and most respectable localities under the assumed names of Mrs. Somebody or Nurse so and so." Then the Commissioner goes on to say that "It is moreover clear that when prostitution is driven under ground, it will be very much more difficult to locate and, therefore, to rescue minor girls from brothels."

5-15 p.m.

Sir, although the Commissioner of Police does not say so, I do say that the powers given or proposed to be given to the police by this Bill are tremendous and, in my estimation at least, probably the danger from the police will be very much greater than the danger from this evil of prostitution. What the Commissioner does say is this "Finally, because the police will be unable to enforce the proposed law, the public will, in time, acquire contempt for other more important laws. Experience of the working of the Volstead Act in America shows, moreover, that where the police are subjected to great temptation in matters which they consider of minor importance, they become corrupted and powerless to counter crime of a more serious nature."

"In the interest, therefore, of the general public, of the police and of the prostitutes themselves, I would oppose the adoption of the proposed legislation." That is what the Commissioner says. Now take another instance. Under clause 12 of this Bill, any person who detains any woman, a girl or boy under the age of sixteen years, against her or his will in any house, room or place in which prostitution or the business of a prostitute is carried on, will be liable to be punished, and where a woman or girl is in any house, room, or place in which prostitution or the business of a prostitute is carried on, a person shall be deemed to detain any such woman or girl in such house, room or place, or in or upon such premises if, etc. Now, Sir, we have just heard what the Commissioner of Police says in his report, namely, that there are some 20,000 prostitutes in Calcutta and there are a considerable number of young children belonging to these prostitutes. What are you going to do with them? Are you going to remove them from their mothers —young suckling babies? It is provided that such young children should be removed to some shelter—some prescribed place other than a police-station or jail; that is to say, all these young children—boys or girls—shall be placed either together or in batches in homes under the maternal care of other people. If that is the effect of the Bill I submit that the remedy will be far worse than the disease.

Now, Sir, when I said that it was a hasty piece of legislation, I did not draw your attention to the very significant fact that in clause 24—the rule-making clause of the Bill—sub-clauses 4 and 6, you will find that "without prejudice to the power granted to the Local Government to make rules under this section, the rules contained in schedule III shall be in force". Now, there is no schedule III to the Bill—there is only schedule I. Therefore, so long as no rules are made by Government, no rules will be in force as there are no schedules. As I have said, this is a very hasty and ill-drafted piece of legislation.

It may be said that commercialised vice ought to be put down. I have nothing to quarrel with that proposition as a matter of morality,

but I would ask the House to face realities and not to have a measure like this.

There are any number of provisions in this Bill to which exception may be taken, but I shall close my remarks by drawing attention to one such provision. In the definition of "brothel" it is said that brothel means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution. That is to say, the learned author of the Bill will allow only one paramour to one prostitute. If the owner is the prostitute, then of course nothing happens, but if anybody else comes there, that is to say, if the paramour is allowed to be visited by any other person, then it becomes a brothel. I submit there are many things in this Bill which make it absolutely impossible for this House to accept it. Sir, I may be allowed to describe my learned friend by misquoting the poet and saying—

He slept and dreamt
That life was morality.

He will wake up and find
That life is frailty.

Mr. S. M. BOSE: Sir, may I be permitted to say just a few words supporting this motion? In doing so, I must first express the best thanks of the men of Bengal to the mover for bringing forward this Bill which is one of vital importance to Bengal.

I wish to draw attention to one remarkable feature—the response that the Bill has roused among all sections in Bengal, specially the women. Mr. N. K. Basu has referred to some opinions received, but he has not referred to this feature. I do not know if many of us have seen on the library table a unique petition in favour of the Bill, signed by over 16,000 persons, Hindus, Moslems, Christians and Jews, Europeans and Indians, by representatives of all sections of the people in Bengal, headed by eminent persons like the Dowager Maharani of Cooch-Behar, the Maharani of Burdwan, Sir Rabindranath Tagore, Sir David Ezra, Sir C. V. Raman, Prince Buland Jah Mirza Askari Bahadur, and many others. In this petition, the grounds in favour of the Bill are very succinctly stated. I cannot do better than to refer to some of them here: (*1*) this Bill is intended to attack the root of a great evil which is eating into the vitals of society in the shape of brothels and the ever-increasing market for prostitution; (*2*) to this market are brought from all parts of India women, girls and children; (*3*) in these evil surroundings are brought up countless children who are denied the chance of becoming good citizens; (*4*) these matters must be taken up by the

State which alone can effectively deal with them by legislative and executive action, along with public opinion; (5) the principle of the Bill has been successfully applied in other countries.

Sir, the women of Bengal, the women in Bengal, are no longer asleep—they are awake, keenly alive to the danger that threatens their womanhood, and they will not be denied justice. We, the men of Bengal, have been negligent; so long we have refused to do anything for the women; so long we have exulted in the abuse of man's power, in this forcible degradation of women. We have always suffered from the superiority complex. But now we must change our angle of vision, and recognize the rights of women. We must bow to the inevitable, and allow women to stand up for themselves—the old idea of perpetual tutelage of women must be abandoned. Sir, I look upon the Bill as an attempt to redress the grave wrong done in the past by men to women. It has the hearty support of our women, and I cordially welcome this new spirit in them which is fraught with tremendous possibilities for the uplift of mankind. Women by raising themselves raise the stature of humanity.

I was hoping that there will be no real opposition to the Bill. But I am surprised, astounded and amazed at the opposition of Mr. Basu. His argument in effect comes to this:

Men being what they are, there is bound to be prostitution with all its accompanying evils; so why this attempt to curb human nature, why this Bill?

My reply is this: Man being what he is, there are bound to be murder, dacoity, theft and rape; then why have the Indian Penal Code? In spite of the Code, murder and dacoity and theft and rape do take place, but is this any argument for the repeal of the Indian Penal Code? Does the existence of this Code drive dacoity and theft and rape underground? I fail to understand this argument.

Mr. N. K. Basu's objection regarding stringency of the provisions may be met in the Select Committee of which he is a member. There are doubtless provisions which seem drastic and which require careful scrutiny. But this may be safely left to the Select Committee where Mr. N. K. Basu will be able to introduce the necessary improvements.

I hope, therefore, the Bill be supported.

Mr. W. C. WORDSWORTH: Sir, I welcome the opportunity of speaking on a subject as difficult and a measure as courageous as any that the Council has dealt with in the years that I have been a member of it. We are asked this afternoon to look at the world as it is. But we are men not only with eyes but also with hearts and vision, and it is

our duty to look at the world also as it may be if we do our best in our passage through it. My name is among those suggested for appointment to the Select Committee, and the obvious inference is that I hope to see this Bill sent on to the committee for consideration. That, Sir, does not imply that I regard this Bill as perfect or approximating to perfection. Its imperfections are, I think, obvious to most of us. But this does not subtract from our admiration of the public spirit and moral courage of the member who has put this Bill before us. By wide reading and far gathering he has got together the best material available as raw material to be put before a Select Committee for betterment and in due course, if need be, to come before this Council for further improvement. What goes into a Select Committee is not necessarily the same as what comes out. What comes out may be unrecognizable by those who saw it go in. Now, in this Bill there are certain features for which some members would reject it at sight. It aims at too many marks at the same time, and thereby may become ineffective. Some of the objects that it seeks to achieve are perhaps impossible; others, if possible, may yet be undesirable. But is that any reason why we should refuse to give the Bill due consideration? We are concerned here with a complicated and delicate problem of human conduct, involving considerations of freedom of will and personality, as well as of social and moral health, and in seeking to promote the latter, legislation must be cautious not to invade the sanctities of the former. This criticism applies to most social legislation and I would ask the House to accept it as a brief criticism of very much of this Bill.

5-30 p.m.

What we are concerned with here to-day is not so much details as the general principles. The Bill has defects, and some of them have been pointed out. Members of the House have sensed them, studied them and discussed them among themselves. The Bill has also its dangers. I agree with Mr. J. N. Basu that it will be very dangerous indeed to put into the hands of certain subordinate police officers some of the powers laid down in the Bill. I would go further. My present disposition is to say that I would not give these powers into the hands of the greatest saints in this House, whoever they are, wherever they are, of what party they are—if there are any. The dangers are very great, I admit, but in the Select Committee we can do our best to get a good deal of this portion of the Bill excised or amended. It will be our duty there to lay not only our fingers, but our hands, our fists, our feet on the defects. But let the Select Committee get to work on it. And let the women of Bengal, who see in this an occasion of helping the unfortunate of their own sex, have an opportunity of appearing before the committee or in other ways serve the cause they have taken up. If you kill the Bill, you not only make the whole opportunity fruitless,

the situation becomes worse than it was because whenever you decline battle with evil, you weaken yourself for future accomplishment. So much, Sir, for the general principles of the Bill.

I believe that I have been invited to join the Select Committee as a member of the Committee of the Society for Protection of Children, and I wish to make a few observations from that point of view. My committee has given very great attention for years—it must give attention—to the problem that is now being discussed, because it is intertwined very much with the regular routine work of the society. I have no desire to go into details, but it will be sufficient if I observe that in the opinion of the committee the present Act is inadequate both in itself and in its administration; inadequate especially to the saving of young women, and above all, of children of tender age, from the hideousness of the life to which they are given up by commercialised vice. For this reason, if for no other, the Council should further this Bill by sending it to the Select Committee. Anything we can do in this department will be repaid ten thousandfold in the increased happiness of little children and in the improvement of the social health of a great province. There are those who say that as things always have been so they must always be; therefore, it is a waste of time and energy to contend against the inevitable. I challenge both the premise and the inference. I challenge the premise because, having read abundantly in the ancient books of India I have seen in them much pitying tolerance for this form of human weakness, but no sign of awareness that men and women could ruin little children, body and soul, for the sake of profit. And I challenge the inference, because we are dealing with a problem of human conduct. To the average man conduct is a choice of actions and in his will, intelligence and emotion he has capacities for good or for evil. Are we sent into this world to pull down and not raise up, to deface and not make fair, to shame and not to bless?

We are told of landlords who make money by prostitution and move in the best circles of Calcutta society and that we cannot touch them. But what of that? Let us do what we can for the children and young girls and women who, owing to the evil of men, are to-day helpless, have lost all freedom of will and have their personality invaded every day of their lives. Prostitution is not to be explained only in terms of uncontrolled or natural desire and economic necessity and ancient custom. There is also another factor, human villainy, and that we must fight. We have been told by Mr. J. N. Basu that this evil is steadily increasing in Calcutta as the years go by, and it is for us to fight this deliberate evil and so far as we can prevent men and women from deliberately imposing this hideous form of slavery on helpless girls. If a child is in danger—I have explained that I am particularly interested for the young children—if a child is in danger, what does a man do? (*I*) He may estimate with the eye that nothing can be done and so does

nothing. That is Mr. J. N. Basu's position. (2) He makes an attempt to save the child at any risk to himself; if he fails, he fails manfully and sets an example to others. (3) This is very common, he goes home and writes to the newspapers to say what some one else ought to have done about it, preferably Government. We are as a Council asked to take action, and can we do anything less noble than my No. 2? We are the Legislative Council of Bengal; in the eyes of our electors we are the concentration and quintessence of the wisdom, experience and courage of Bengal, and ought we as a Council to fall below the splendid standard set up to-day by Mr. J. N. Basu? So I say "Let us have the Bill; let us deal with it in Select Committee and afterwards in Council." If we fail to make much of it, at least we shall have braced our moral nerves and sinews for other attempts in future. Success and failure in human affairs are very seldom complete things; in human affairs success is often accompanied by a degree of failure, and failure is seldom unmingled with a degree of success. Let us not accept failure at once as our inevitable lot. If we reject the Bill without examination, we shall depress public opinion, that is taking a great interest in this measure, and lower womanhood by refusing to join in battle on its behalf. If we reject the Bill to-day, what will the women's opinion be of us? We shall, I suppose, go home this afternoon as stealthily as we can, escaping, if possible, the eyes that have come to see us do our duty, and, arrived.

[Here the member having reached his time-limit, resumed his seat.]

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, as a Mussalman I think it my duty to give my whole-hearted support to the Bill. I am aware, as probably every member of this House is, of the defects in the Bill. There are certain provisions in the Bill which perhaps are too drastic and there are certainly one or two which do not go far enough; but as Mr. Wordsworth has pointed out much more ably than I can do, it is our duty here not to quarrel about details or about particular provisions of the Bill as they have been presented, but consider mainly the principle which it enunciates.

5-45 p.m.

Sir, Mr. N. K. Basu has objected to the Bill mainly on the ground that it is impossible to eradicate this evil from the country. I would ask him whether simply because a thing is impossible of being eradicated, however bad the evil may be, is it not proper that an attempt should be made to eradicate the evil, no matter whether we succeed in doing so or not? Government is spending lakhs and lakhs of rupees in the departments of sanitation and health for the purpose of eradicating plague, cholera and other diseases from the province. Has Government been able to completely eradicate these evils from the country? But because it has not been able to do so, will that be an argument to

say that it is no use trying to waste money on the measures Government adopt? Why not simply say that Government cannot completely eradicate these evils from the country? Then, Sir, my friend has dilated on the question of our social conditions which makes it necessary according to him that the institution of prostitution should be allowed to remain. I believe I may be wrong, and I stand subject to correction, but I am told that according to the Hindu *shastras Durga Puja* cannot be held unless you can procure earth from the doorsteps of a prostitute's house (Cries of "No, No.") But even supposing it were so, are you going to maintain prostitution as an institution or are you going to change the procedure of *Durga Puja*?

Mr. PRESIDENT: Khan Bahadur, you better not labour that delicate point.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, an objection has been raised that the police, however vigilant they may be, will not be able to stop this evil. The police have not been able to stop thefts, burglaries, dacoities, etc.; will you, therefore, say that no attempt should be made to stop these? I think whatever defects there may be in the Bill, it ought to be given a fair trial and for these reasons I wholeheartedly support the motion of my friend, Mr. J. N. Basu.

Mr. J. N. GUPTA: Sir, along with my friend, Mr. Basu, I am considerably surprised, nay astounded, at Mr. N. K. Basu getting up and opposing this Bill. I am sorry that he is not present here. As he is a lawyer, I certainly should have expected that he should be able to interpret the Statement of Objects and Reasons, as laid down by my friend, the mover of this Bill, more correctly than he has done. He said that the object of the Bill was to stop prostitution. But the exact words are as follows: "The object of the Bill is to provide consolidated legislation for the whole of Bengal which will give to the authorities such powers as will materially aid them in checking the evil of commercialised vice, and will lead to the gradual suppression of brothels and immoral traffic." Sir, traffic in prostitution and the evil of commercialised vice are quite different from the phenomena of prostitution; there is quite a substantial line of demarcation. The Bill does not aim at the impossible—of stopping prostitution altogether. But what the Bill does aim at is to make it impossible for third parties to carry on this profession and to make money out of prostitution and by supplying young girls for the brothels. It also aims at the State refusing to recognise prostitution by allowing brothels to exist. Therefore, Sir, I think that Mr. Basu has failed to grasp the real significance of the Bill altogether, and it is a matter of very great disappointment that a lawyer of his standing should have missed the real point. I was no

less struck at the two reasons which he seemed to find for supporting the existing state of affairs. He said that having regard to the economic situation in the country most of our young men are perhaps not in a financial position to marry and therefore you must allow the system of prostitution to flourish as it is. (A VOICE: That is not what he said.) At least that is my impression. The second, no less amazing, reason which he gave was—what is going to happen to those unfortunate girls whom their own people have cast aside and who have no homes and whom the Hindu society, as it is, does not offer any protection? Therefore, the protection which he can offer them is that they should take to this business of prostitution. I do think we should be ashamed to bring forward such an argument. Because we are not able to help some unfortunate young girls however helpless and destitute they may be, we must allow prostitution to flourish! I can assure Mr. Basu that the passing of the Bill will give the strongest impetus to social reformers to found homes and find occupation for the girls. We rescue and I know there is already a well supported movement in this direction. As regards the Bill itself the mover has pointed out but not sufficiently stressed a very important and pertinent fact and that we are not plunging in the dark and that we are not the first to move in this direction: Bombay has already given us a lead in this matter. Not only Bombay but Burma has already got a similar Act. As regards the effect of this legislation in Bombay, Mr. N. K. Basu has read out an extract from the report of the Bombay Social League which certainly points to some of the difficulties which we may have to face if this Bill is passed. I shall, however, presently place before the Council extracts from another authority which will give a much more encouraging picture of the state of affairs in Bombay to-day. But before I do so, I should like to draw the attention of the House to the fact that this is a matter which is engaging the attention of the whole of the civilized world. The League of Nations has appointed expert committees to go very thoroughly into the matter from all points of view, *viz.*, biologically, socially and medically; and anybody who keeps himself in touch with what is going on could not have failed to notice that the opinions and reports of these expert committees are almost unanimous in recommending that registration or official and State recognition of brothels is unsound even on medical grounds. Sir, it is very often argued that if brothels are not recognized and if proper medical examination of the inmates in brothels by medical servants of the State is not arranged for, it leads to the dissemination and spread of venereal diseases. I was agreeably surprised to find that these expert committees actually report that in places where the official recognition of brothels has been withdrawn, far from there being an increase in venereal diseases there has actually been a decrease. Could there be a more complete answer to any arguments that could possibly be advanced against moving in the direction which my friend has done than the fact I have mentioned?

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is the matter of licensing brothels before us? Is it at all relevant to the Bill before us?

Mr. PRESIDENT: Mr. Gupta, you may go on. You have not gone beyond the limits of reasonable debate.

Mr. J. N. GUPTA: Sir, I was going to say that not only has the League of Nations gone very thoroughly into the question and their experts submitted their reports, but three-fourths of the civilised nations of the world have already accepted their views and done away with registered brothels. Germany, Sweden, England and most of the other countries of Europe have done it, and I was very agreeably surprised to find that France is also moving in the same direction. As Mr. Basu's Bill is framed mostly on the lines of the Bombay Act, I shall now read, for the information of the House, some extracts relating to the effect of this legislation in Bombay from the report of the Vigilance Association there. This is what they say:—

"The vice area in Bombay shows a distinct improvement, the old scenes of open solicitation and unabashed pimping have gone and the community has gained a great moral gain.

(1) Vice as such has ceased to receive the sanction and implicit approval of the community.

(2) Traffic in women, the bringing in of women and girls from outside Bombay into the city has been checked.

(3) The number of prostitutes in the old localities has definitely decreased and no fresh arrivals are reported.

(4) Public opinion in Bombay has been awakened and has definitely shown itself against the continuation of brothels."

Sir, my friend, Mr. S. M. Bose, has already told us that this Bill has evoked the warmest support from almost every section of the society. The very presence of the ladies in the visitors' galleries——

Mr. PRESIDENT: You cannot take notice of the ladies in the galleries.

Mr. J. N. GUPTA: Very well, Sir, but I am very sorry to be deprived of this pleasure.

Anyhow, Sir, does not consensus of opinion from every part of the city count for anything? That shows that we are on solid ground, that we have public opinion behind us and that we are moving in the right direction. As Mr. Wordsworth and Mr. Momin have pointed out, no doubt there are many defects in the draft Bill which may have to be

remedied, but to say that the Bill should not go to the Select Committee, at all, I think, would be the very height of folly from every point of view.

I have just one more word to say. I am perfectly aware that the powers given to the police may appear to some of us to be very excessive but we have to give large powers to the police in far more important matters than this, and we can also take steps to guard against abuse. For the information of the House I will also refer to a letter from All-Bengal Women's Union to the Secretary, Bengal Legislative Council, in which they say that they are prepared to form a Board of Moral and Social Hygiene to co-operate with the authorities and help them to give effect to the provisions of the Bill. We should welcome the offer of the Women's Union. In reply finally to the argument that the police force might perhaps want some small increase if they are to shoulder the added responsibilities which this Bill will create I will say that having regard to the great social importance of the Bill and the improvement of the moral tone of the whole of society, we should not grudge the expense. For all the above reasons, Sir, I shall strongly urge that we should not at this stage throw out the Bill, but should certainly allow the Bill to go to the Select Committee.

Maulvi ABUL KASEM: It wants more than normal courage to rise in this House under the stares of persons visible and invisible, official and non-official, but, Sir, my age and my very good reputation in the past gives me courage to do so. Sir, it is admitted by all persons, be he a Hindu, a Mussalman, a Christian, a Jew, or for the matter of that an atheist, that sexual sins are abhorrent and should be shunned and condemned as much as possible. But the question before the House is not to express our opinion in that matter but to see whether the measure proposed is going to be effective or not. My friend, Mr. Wordsworth, has pointed out several defects in the Bill, but at the same time says that this Bill should be referred to a Select Committee to being properly amended or even rebuilt. But so far as I understand the procedure and the constitution, I believe that when a Bill is referred to a Select Committee, the House has accepted the principle as such. What are the principles of this Bill? Not that prostitution should be condemned, but that a machinery has to be set up, some methods have to be adopted by which prostitution will be controlled or abolished. And what are those methods? My friend has not referred to any other method, and, as such, I am sorry I cannot give my support to the motion to refer it to the Select Committee.

Sir, a good deal of argument has been put forward by my friend, Mr. J. N. Gupta, saying that this is an evil, and something ought to be done to eradicate it. He has referred to the League of Nations and to many big countries like Scandanavia, Norway, Switzerland, France

saying that these countries have passed legislation against prostitution, and if we do not do anything in the matter, we will be condemned by the civilised world. My answer is that if we want only to show to the people of other countries that we are alert in the matter and that we wish to do something, whether we do it or not, then we may pass this legislation in this Council; but if we mean to actually eradicate the evil, then this is not the right method. There are other methods by which we can do it. In the first place, mention has been made of many countries that have abolished brothels and prostitution and things like that. England is one of those countries, and I believe that the Britishers here will agree with me that they have made themselves a laughing stock of the world by passing this legislation. Those people who have ever passed an evening in the heart of London will bear me out that it is not possible for any passerby to pass through Oxford Street, or any west street because the congestion of girls and women there is so great. What is the good of telling the world that we have enacted a legislation for abolishing prostitution when prostitution goes on if not in a greater degree, at any rate in no lesser degree than in France? Mention has been made of many places and I have experience of a small native State in Central India, *viz.*, Bhopal, where not only prostitution or the keeping of brothels but any connection between a man and a woman who are not husband and wife is an offence punishable under the law, and that none of the parties are exempted. I lived there for a long time and the residents of that place will bear me out that sexual sin prevails there in a far greater degree than in this condemned city of Calcutta. Sir, it is one of our habits that whenever we find an evil, we rush for legislation and for some demonstration by which we can eradicate it. I may remind the hon'ble leaders of the parties that one fine morning in the late Legislative Council of Bengal we received telegraphic summons to come at once to the city of Calcutta and pass a Bill at one sitting because the skies would have fallen down if we had not passed the Ghee Adulteration Bill. It was said that the human body was being poisoned, being infected with all sorts of poison by adulterated ghee, and we were summoned and assembled in the Government House, and after eloquent speeches by all sections of the House, the Bill was passed. But what was the result? The Marwari traders instead of charging Rs. 1-4 per seer began to charge Rs. 2-8, the adulteration, however, being the same as it had been. Sir, I submit, as my friend, Mr. N. K. Basu, had the courage to submit, that by legislation we will drive the evil underground. Signs are not wanting even to-day, if we are frank to confess it, that it has already been driven underground. You may prohibit brothels but what about the amateur traffic that is going on? Look at Wellesley Square—and I can take you to several other places like that—the question is that the only way by which this evil can be eradicated is by the influence of society. I have mentioned, Sir, two countries—England and Bhopal, and I shall

mention another, I mean the North-West Frontier Province which was in other respects worse than anybody could think of. In the frontier area beyond Peshawar up to the border of Afghanistan, there is always murder, robbery, arson and loot but sexual sin is unknown in the tradition of that country. When Mrs.——was brought back to Peshawar, I had the honour of meeting the Chief Commissioner of the province. She was in the frontier areas for several weeks, but her chastity was not molested. There she could have lived for years without any fear because molesting the modesty of a woman is a thing unknown in that uncivilised portion of the world, because there every man and every woman condemns every sin of that character not by words alone, but they assault and kill a man if found guilty of that offence. What I say is that if we, members of society actually take every possible step, without advertising ourselves by bringing in pieces of legislation and passing them, if we take practical steps to prevent it, it can then be prevented. That is the only method by which it can be prevented or even eradicated.

Sir, this Bill has earned a great deal of enthusiasm. Meetings have been held, invitations have been sent to people and requests have been made from quarters which it is very difficult to resist, but if I have to do so, it is because of the evil effect of legislations of this nature. Mr. Wordsworth has said that the Bill has many defects which may be removed by a reference of the Bill to the Select Committee. But may I ask what will be the machinery that will work it out? Whatever that may be, whether it is the Police, the Excise or the Education Department—whichever it may be—the very men concerned will in their turn become as dangerous as the Police themselves, just as it happens with such other things. Therefore, I think it will do no good to any society. My friend Mr. Basu said, "it is no good saying that simply because the system has existed from ancient times, therefore, it should be tolerated". Neither Mr. Basu nor anybody else who does not see eye to eye with the mover of the Bill says that no attempt should be made to eradicate it. But the question is what is the proper way to do so?

Sir, much has been said about the unfortunate women, and that there should be some measures taken to prevent it. May I inquire of Mr. J. N. Basu and Mr. Gupta that most of these unfortunate and destitute women have been driven to prostitution by the *zoolum* of society itself? If we take care of society and see that society is sympathetic to its women, not after they have become prostitutes but before that, a good deal of valuable work will be done in this direction. Mr. Wordsworth has said that there is another element, *viz.*, human felony. Certainly that is true, but for one case of human felony, there are at least 20 cases of necessity, misery and destitution which drives a woman into the ranks of prostitutes. No woman likes to lead a life of

prostitution, that is certainly not a happy life, but these unfortunate women are driven to it and they have no other alternative in the matter. I do not care to inquire what will become of these women in case prostitution is prohibited, but what I submit is this that these things will go on, even though this House may enact this piece of legislation, as they are going on to-day.

6-15 p.m.

I challenge anybody to deny that prostitution is going on in these very quarters but no lights are hung up on the doors nor are there any red marks, that is the only difference. So from a social point of view this Bill does not improve the position at all. I submit that the motive, the intention, the pious intention of Mr. Basu is very laudable but the way is not the right or true way and I may say—

[Here the member quoted an Urdu poem.]

I am afraid he will never reach Mecca because the road he has chosen will take him only to Turkestan.

Babu KISHORI MOHAN CHAUDHURI: Mr. President, Sir, I give my whole-hearted support to the provisions of the Bill. I think that everyone will recognise the fact that the evil is spreading by leaps and bounds. It is an admitted fact that the evil is there and it is the duty of every person not to encourage it but to try to stop it to the best of his ability. The Select Committee will consider the matter. We have to combat the evil from many quarters. The Bill is to protect young girls and young boys. It has been said, Sir, that there is some feeling that the Hindu society is responsible for the evil. I do not admit it. It is only the rich that can afford to keep going the brothels and they can do anything because there is nobody to prevent them. In the Select Committee the principles of the Bill will be considered and the defects in the drafting of the provisions will be remedied. It is the duty of the civilised world to see that the evil is eradicated.

With these few words I give my whole-hearted support to the provisions of the Bill.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to say a few words about this Bill which is now under our consideration. I do not hold so definite and distinct views as my friend, Mr. N. K. Basu, or Mr. S. M. Bose, but I stand to give my qualified support to this Bill. It cannot be denied that the objects which prompted Mr. J. N. Basu to place this Bill before the Council are laudable and are worthy of every consideration by the House. But how far those objects are going to be fulfilled by the effect of the administration of that Bill seems to me to

be a matter of grave doubt. My friend, Mr. Basu, in his enthusiasm for moral purity has placed before us what I may call an ideal measure but ideal things when given effect to or are tried do not always turn so very successful as previously anticipated. That is the reason why I stand here to give my qualified support to the Bill.

Several years ago when the Corporation of Calcutta took up this question and tried to suppress or minimise the evil of prostitution in Calcutta, I happened to be one of the workers on the committee and as such I took some interest in the matter. In those days I was more enthusiastic about this than I am at the present moment. The Corporation of Calcutta declared certain important streets as main thoroughfares and we removed the women from some notorious quarters in Calcutta, ousted them from their habitations and removed them to other distant places. After proceeding in that way we found ourselves in great difficulty. I remember that in one of our committee meetings we called for the advice of the local police. That eminent gentleman, Sir Charles Tegart, was the Commissioner of Police in those days. Sir Charles Tegart sent us his considered opinion and advice. When that was read out to the committee members it set us thinking and we found that his advice was the best that could be advocated. In this House reference has already been made to the opinion of the present Commissioner of Police. My friend, Mr. N. K. Basu, has given very great prominence to that opinion and none can deny that the opinion of the Commissioner of Police has a peculiar importance in this connection. Sir Charles Tegart advised us not to go the way that the committee was tempted to go on and pointed out how that principle which the Corporation was about to introduce in Calcutta had proved a failure elsewhere. He gave us two instances—that of Rangoon and of Bombay. Subsequently I happened to be a member of the deputation which was sent by the Corporation of Calcutta to study municipal conditions in Bombay and this was one of the subjects of reference to the deputation. I am ashamed to say what we saw when we went to Bombay. When we went to a particular street we found, horrible things, much more horrible than what we find anywhere in Calcutta. I shall be ashamed to give a vivid description. Calcutta is my birth place and for 60 years I have been closely associated with this city, but I have never seen here what I saw in Bombay. Really what I saw in Bombay led me to think whether it was desirable to introduce segregation of these women in prescribed areas in Calcutta.

6-30 p.m.

Sir, Sir Charles Tegart advised us, or rather in his confidential opinion he gave us to understand that there were two serious difficulties in segregation. One is that the policemen who do their duty in those

quarter ... ally become demoralised—I am not using my own words, but giving out the opinion of the Commissioner of Police: according to him it is extremely difficult for the police to do their duty in these localities. Another difficulty that we were told was this, if any serious crime takes place in the locality where these women are segregated or congregated, there is no chance of that being detected and the culprit punished. These women have a wonderful confederacy among themselves and they will never go against each other even if the crime is of an abominable nature. So, we were advised by the Commissioner of Police not to take any measure to segregate these unfortunate women into certain localities. These led us thinking and we had practically to give up going further into that course. Then, Sir, the Corporation of Calcutta declared certain roads as main thoroughfares. That we could do under our own Act and there was no necessity of a new Act or anything of the kind. Chitpore Road and several others have been declared main thoroughfares, but these are, I am sorry to say, not yet immune from the prevalence of this nuisance. My friends will be surprised to hear that Bow Bazar Street from Lal Bazar right up to Sealdah Station was declared a main thoroughfare 10 or 15 years ago but this street, running through the heart of the city, is still infected by these women, and if anybody cares to go through that quarter he will find many of these women parading the street and standing on the verandahs of the houses on both sides in a solicitous manner. We asked the police to take action to prevent this nuisance, but nothing had been done. The Act was there, the power was there; all our weapons were there, yet the police would not take sufficient action in the matter. If they seriously wanted to drive these women from such important roads they might have succeeded. We are under the impression that the police have neither the mind nor the energy of taking so much trouble. Sir, if that be the position, might I ask Mr. Basu to tell us how he will make the police take effective action? I find clause 21 of the Bill says: "No court shall take cognizance of any offence punishable under sections 4, 5, 6 or 7 of this Act unless made by order of, or under the authority from the Commissioner of Police or District Superintendent of Police." Will my friend kindly tell me, if the police does not take any action or cognizance of these offences, what is the use of adding more power to the armoury of the police?

Sir, I am equally anxious with Mr. Basu to see the eradication of prostitution or, at any rate, its diminution. I am speaking of Calcutta; I am not much concerned, Sir, with the *mufassal* and am not aware of the position there. In Calcutta what is wanted is more vigorous action on the part of the police; sufficient power is already there but it has not been utilised to our best advantage. This is my grievance against the police. Now, Sir, I find that the proposed Bill is the compilation of certain provisions in force in other provinces, with certain theoretical

suggestions to carry them out, ignoring altogether the fact that the powers are already there. Next, I would ask the House to consider clauses 4 and 5 which would let loose hundreds of bad characters in the city. As an inhabitant of Calcutta, interested in its welfare, I would ask the hon'ble mover to make provision for dealing with these bad characters when the Bill goes to the Select Committee. Without such provision how will it be possible to tackle those ruffians who will be let loose into the city and will be a great danger to its people. Sir, the provisions of the Bill must be practical and effective. The present Bill is drastic, and in one way ideal but how far practical, I cannot say. Where it is considered too drastic, things may be remedied in the Select Committee, and provisions may be made to make it practical. So we should not object to the Bill going to the Select Committee. Indeed, I shall be sorry if it is not sent to a Select Committee. It should be the bounden duty of the members of the Select Committee to see that the Bill is returned to us in such a form that it may be effective to remove this brothel nuisance from Calcutta. The Immoral Traffic Act has now been in existence for about 10 years. It has been admitted in official reports as already hinted by my friend Mr. N. K. Basu, that there are about 2,000 minor girls in brothels in Calcutta. Now, how many have been rescued up to this time? My information, which is based on available statistics, is that about 200 to 250 girls have been rescued within the last 10 years. The important point is—where to find accommodation for those girls after they are rescued? At present in Calcutta there are only two institutions which provide such accommodation, namely, the Salvation Army and the Govinda Kumar Home. We know that the Salvation Army has limited accommodation and the Govinda Kumar Home, which is the first of its kind, can accommodate only 80 to 90 girls—even this number with great difficulty. Both these homes are labouring under great financial difficulties. The police can effect any number of rescues, but the point is where to send them after rescue; that is the most important link missing in this Bill. If the new Bill is implemented the two problems will be—where are those bad characters, who will be let loose, to be lodged and provided and, secondly, where will those rescued girls go. These are matters to be considered by all interested in the question now before us. Apparently Mr. Basu would leave them to their fate as no provision has been made for them in the Bill. But it would be a disgrace to the society if these unfortunate minor girls are left unprotected and unprovided. I think, it is the bounden duty of both Hindu and Muhammadan society to rise equal to the occasion and provide for future life of these girls.

Sir, I am glad to find that so many of our sisters and mothers are taking very keen interest in the matter. But they ought not to forget that with the mere passing of the Bill their responsibility does not

cease. My earnest request to them is that they should combine—Hindus and Muhammadans—and find measures for adequate provision for these 2,000 girls who are likely to be rescued if the Bill is passed and the police take action.

[Here the member reached his time-limit and resumed his seat.]

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I have carefully gone through the Objects and Reasons of the Bill in charge of Mr. J. N. Basu. Apparently the object of the Bill is laudable and one feels tempted to support it. But as I went through the provisions of the Bill, I felt I could not support the Bill as it is. There must be radical changes in some of the provisions of the Bill. If not, I am sorry, I oppose it.

The object of the Bill are apparently to decrease the number of the incoming prostitutes. There is a well organised trade in procuring minor girls for prostitution. Everybody knows that, and the Bill wants to give a death blow to that trade. It is a laudable object no doubt. But in achieving that object the Bill provides for some methods which give extraordinary powers to police authority. Of course, the Government can interfere, if it does interfere at all, only through police. We know that. But there must be a limit to police interference, even in the matter of social reform.

Sir, I beg to invite the attention of the House to clause 14 (*1*). Here the "police" on mere suspicion shall have power to enter into any premises: mark the words "any premises". It may be the premises of Mr. Basu himself, or, Sir, pardon me, the premises of any member of the House. Suspicion to find out what? If there can be found a girl under 18 or boy under 16 to establish a *bona fide* case against the owner or occupier of the House; and, Sir, this can be done on mere "suspicion" by the police.

House searches are not a rare commodity nowadays. Coming from the city of Dacca, I know it to our cost. I am not for giving the extra power to the police at present. And, Sir, the police does not want this power. They are too busy and their hands are too full. This is certainly not the time to launch social reform with police help.

I quote from the Inspector-General of Police, Bengal. He says: "If, however, the Bill is passed, an increase of police force will be required in order to try and work the Act."

An increase of police force means an extra police expense over the 2½ crores of rupees we already spend after it. Would this agree with our retrenchment cries?

Sir, the object of the Bill is certainly good, but the provisions the Bill suggests are of doubtful good and in cases I have already pointed out are positively harmful. So I oppose the Bill as it is.

Sir, I refrain from making any other destructive criticism against the Bill. But I know they can be easily done.

The Bill has made no provision for the betterment of the existing professional prostitutes. Carnal appetite is uot the only reason for which women willingly take to this dirtiest of profession. Once a prostitute always a prostitute. This is the present condition of this profession. Mr. Basu is silent about the improvement of their social and moral status. I do not know his mind. Therefore I do not know how far he can go into the matter. Police cannot give social reform, I am sure.

Sir, poverty drives many women to prostitution. Forced widowhood is another reason and, I submit, a very strong reason. Abduction and kidnapping make many a woman prostitute.

Mr. Basu's Bill touches only the surface of this social evil and suggests no substantial remedy without which the immoral traffic may change its front, but it will never forsake the ground upon which it stands. The root causes are deeper than what we find on the surface.

Well, does Mr. Basu want to eradicate the prostitution as a profession as England has done? I see, he does not. Then does Mr. Basu want to bring the profession under the direct supervision of the State, as they have done in the continent? Mr. Basu is neither clear in his vision nor decided in his opinion.

Then what does Mr. Basu want? To stop the traffic of minor girls with the help of the police; we fail to see any larger outlook of the author of this Bill. Therefore most reluctantly I oppose the Bill in its present form although I have no objection to its being examined by the Select Committee.

6-45 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I have the utmost sympathy with the hon'ble mover of this motion, both in his desire to eradicate the unspeakable crime of traffic in women and in his anxiety to relieve the society of this curse. And, if I were certain that the Bill was one which was calculated by any means to achieve that object I would have been the first to support it. I am not of the same opinion as Mr. Narendra Kumar Basu, and I do not consider it absolutely impossible to eradicate this evil. On the contrary I consider it to be

very possible. The right way to approach this problem however is not by merely penalising these things, but by other means—by a great and constructive programme of social reform—which would enable us to socialise the impulses which are at the root of this ruinous institution. In the absence, of any such programme and in the absence, I should say, of any thought of such a programme, the immediate penalisation of these things would serve no useful purpose whatsoever. Well, Sir, it has been suggested by many of the speakers as if this Bill were the first of its kind which has been introduced in this Council. It is no such thing. There is actually at the present moment in operation a law passed so far back as 1923, which embodies the bulk of the provisions of this Bill with reference to the town of Calcutta. Since 1923 that Bill has been in operation in Calcutta, where this evil exists in its most concentrated form and where we have a far more efficient and resourceful Police than we can boast of in the *mufassal*, and it is worth while studying what that Bill, worked by the Calcutta Police, has been able to achieve towards this end. It is not enough to have good wishes. It is not enough to have pious wishes. We must be practical in our legislation, in particular with regard to our penal legislation; but the fact is that since the Act of 1923 was passed very little has been achieved—one may almost say, absolutely nothing has been achieved in the way of eradicating this evil of traffic in women. And why? The reason is not, as Rai Bahadur Dr. Haridhan Dutt chooses to say, due to mere inefficiency of the Police. The reasons lie deeper still. The Police find—and we have the authority of the Commissioner of Police for the statement—the Police find it impossible to deal with the matter by merely enforcing the penal provisions of the Act. The Police find that the only effect of any action that they may take in this direction would be demoralising to the Police itself; and that must be so, until and unless there is coupled with any penal legislation which we may undertake, a great social effort for the purpose of reclamation of women, for the purpose of reclamation of men, and for the purpose of making this institution of traffic in women unprofitable. But what have we got in that line? Take only one instance: The provision for taking away minor girls from houses of ill-fame, and providing an honest and honourable occupation for them: What resources have we got for that purpose? The Rai Bahadur told us that our resources are almost infinitesimal. Take again another case. Men would be thrown out of employment by this penalisation of their occupations. It is by all means necessary that they should be out of employment so far as this disreputable business goes, but how are we going to solve the great economic problem which underlies the whole social evil?

I will ask the House to read the sad story of a woman who was recently before Mr. Justice Costello. This woman who had two or three children to bring up was deserted by her husband; she was a

European woman and tried to earn her living honestly, she got work, but her emoluments were not enough to enable her to bring up the children. Some body—some woman—then induced her to become a prostitute. She became a prostitute and was able to earn enough to bring up her children satisfactorily and to live a more or less prosperous life. So long as this sort of thing goes on—so long as we cannot provide for women—the present case was the case of a European woman—(cases of Indian women are far more difficult to deal with). So long as we have that position, so long as we cannot provide an honest living for women, is it likely that any amount of penalty that may be prescribed will help to eradicate this moral evil? I think not. Therefore while I sympathise very much and admire the public spirit of those excellent men and women who have taken up the cause of this Bill I would ask them to reconsider the matter and bring forward a more adequate measure, which would provide, on the one hand, a penalty for this social crime, and on the other, provide a measure by which the motive force behind this social evil should be made to gradually disappear. Unless some such thing is done mere penal provisions will be absolutely futile. They will not be put into operation. They cannot be put into operation, and if put into operation, it would lead to greater evils to society. Moreover I am not one of those—although my friends opposite might think otherwise—I am not one of those who think that the Police is an unmitigated evil that they are always in the wrong. On the contrary I think that the bulk of the Police is a very useful lot of public servants but nevertheless, if you put the temptation which this Bill contains, before them, it would be more than human if a large portion of the Police force were not demoralised thereby. I ask the Hon'ble Mr. Reid to think twice before he allows such a measure to be passed into law. I am perfectly sure that the Commissioner of Police will hold up his hands in horror at the thought. So long as your social and economic conditions remain what they are, if you introduce this Bill it would spell disaster. In the course of the debate we have heard many things. Mr. J. N. Gupta has told us that other countries in the world have been dealing with this problem of traffic in women and we must keep pace with them. Sir, I have given some attention to the proceedings of the League of Nations. I am fully aware that the League of Nations has made the subject of traffic in women one of its most important pre-occupations but I have never come across any proposal like this which has been made by the Committee of the League of Nations which discussed these problems. They are far more practical and their proposals are very different from the proposals in the Bill. The problem they are concerned with up till now is the problem as to whether it is better that we should license prostitution or whether prostitution should not be recognised at all. On this matter their decided opinion is that we should never license prostitution. But have they said anywhere that mere penal provisions will be able to cope with this problem? I think

not. It has been said that the Bill has been introduced in other places and has been successful. I am not aware what is happening in Bombay or Burma. Rai Bahadur Dr. Haridhan Dutt from his personal experience has given a picture of Bombay which has such an Act there—but I know we have such an Act in Calcutta, and we know what its effects have been. I am not familiar with——

Mr. PRESIDENT: Order, order, if you want to speak further on this motion, you may speak to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m., on the 5th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 5th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 120 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Chitpore Canal bridge in Calcutta.

*14. **Mr. J. M. AUSTIN:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) how long ago the Chitpore Canal bridge in Calcutta was closed to traffic;

(*ii*) how long ago an estimate for a new bridge was first submitted by the Improvement Trust to the Government;

(*iii*) whether the Improvement Trust has pressed the Government for sanction of its last estimate so that the work may be put in hand as a matter of urgent necessity; and

(*iv*) whether the Government propose to accord their sanction only on condition that the Trust will agree to the payment of Government share of the cost being deferred until 1934-35?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*i*) The Chitpore bridge has been closed to heavy traffic since 26th November, 1926, and to all traffic since 20th February, 1931.

(*ii*) The original estimate was submitted on 28th July, 1926, but the project was held in abeyance until the Calcutta Corporation agreed to contribute to the cost in December, 1929.

(*iii*) No. A revised estimate was received from the Improvement Trust in February, 1930. It was approved of by the Corporation in July, 1930, and sanctioned by Government in September, 1930.

(*iv*) No. Government accorded sanction to the estimate in September, 1930. The Calcutta Improvement Trust has recommended the acceptance of a tender and design for a reinforced concrete bridge and these are under examination.

Mr. H. BIRKMYRE: Will the Hon'ble Member be pleased to state how long it would take Government to come to a final decision?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Very shortly.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state why in spite of the existence of the Public Works Department the work is being carried out by the Improvement Trust?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Because, whilst Government are contributing 50 per cent., and the Calcutta Corporation 20 per cent., the Calcutta Improvement Trust are contributing 30 per cent. of the costs; and it was arranged at the time that this bridge should be built by the Improvement Trust.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether there is any justification for the existence of the expert departments of Government if works of such nature are to be carried out by the Improvement Trust?

Mr. PRESIDENT: I cannot allow that question, as it asks for an expression of opinion.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the reason for asking the Improvement Trust to take up this work so long as there is an expert department of Government?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have nothing to add to what I have already stated.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to let us know the cost according to the revised estimate?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid I cannot give you the exact figure offhand.

Re-excavation of Katakhali from Bhara Sanga to Peskarhat in Anwara (Chittagong).

*15. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether any money has been spent in the district of Chittagong from 1920 to 1930 for irrigation purposes?

(*b*) From what time has the project for the re-excavation of Katakhali from Bhara Sanga to Peskarhat in the Anwara police-station been lying with the department?

(*c*) Has any scheme been prepared for the purpose?

(*d*) When is the excavation of the aforesaid *khal* likely to be undertaken?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Nothing has been spent on construction of irrigation works in the district of Chittagong during the period.

(*b*) The project has been under investigation since 1930.

(*c*) No. It is still under investigation as it is necessary to observe gauges to determine whether the scheme will be beneficial or not.

(*d*) It is not possible to say when funds can be provided for execution of the project, if it is found to be beneficial and is approved.

Khan Bahadur MUHAMMAD ABDUL MOMIN: With reference to answer (*a*), will the Hon'ble Member-in-charge be pleased to tell us whether in the district of Chittagong there is no necessity for any irrigation works?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have nothing further to add to the answer given.

Persons selected for removal to the Andamans.

*16. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the names of the one hundred persons who have been selected with the sanction or approval of the Secretary of State for India for removal to the Andamans as terrorists?

(*b*) Will the Hon'ble Member be pleased to state who or how many among these persons have been convicted of an offence involving a breach of jail discipline?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) and (*b*) In the public interest Government are not prepared to give the information.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he took any initiative in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state why these prisoners are being sent to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Maulvi ABUL KASEM: On a point of order, Sir. Is "I have nothing further to add" an answer to a question?

Mr. PRESIDENT: That is a very very old point of order and I cannot persuade myself to believe that Maulvi Abul Kasem does not remember my rulings on the point.

Prisoners in connection with civil disobedience movement.

***17. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the total number of persons who have been convicted since January last in connection with the civil disobedience movement?

(*b*) How many of them are there in each of the three divisions?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) 9,617 males and 621 females.

(*b*) No figures are available to show the classification of all convicted prisoners, but on the 23rd July, 1932, there were 22 males in division I, 421 in division II, and 3,218 in division III, while on the same date there were in division I one female, in division II 64 females, and in division III 147 females.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is not a fact that almost all the women prisoners, at least a majority of them, come from the *bhadralok* class?

The Hon'ble Sir PROVASH CHUNDER MITTER: A good many of them do come from the *bhadralok* class.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is not a fact that the clothing supplied to the prisoners in division III, consisting of two *saris* and two blouses, is wholly insufficient to cover these women?

The Hon'ble Sir PROVASH CHUNDER MITTER: Those who are placed in division III must be guided by the rules of that division.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state in how many of these cases inquiry has been made with regard to the status of the women who have been placed in a higher division?

The Hon'ble Sir PROVASH CHUNDER MITTER: In every case where information is placed at the disposal of the jail authorities warranting the placing of prisoners in a higher division; but I may inform the member that in the bulk of the cases the attitude of the female prisoners is that they should all be placed in one division.

Dr. NARESH CHANDRA SEN GUPTA: Having regard to the statement that 147 female prisoners have been placed in division III, am I to understand that investigation was made in every case with regard to status, or do I understand that no such investigation was made because no materials were placed before Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: I can give the member a general answer, but if he wants more definite information, I want notice. The general answer that I can give is that I am certain that in the bulk of these cases the prisoners themselves refuse to give any information. The courts, however, in the first instance make a recommendation on the information available. Matters will be much more facilitated if the prisoners give the information themselves.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member in a position to say whether the Hon'ble Sir B. B. Ghose was wrong when he stated in his reply that the magistrate makes the recommendation for placing a prisoner in division III not when the prisoner refuses, but when no evidence is given in regard to status?

The Hon'ble Sir PROVASH CHUNDER MITTER: The magistrate makes a recommendation in the first instance about divisions I and II, but when Government passes final orders, any evidence that is placed by the prisoners is always taken into consideration. Even magistrates do so when they are placed in possession of facts. As I have already said, the attitude of the prisoners generally is to refuse all information.

Dr. NARESH CHANDRA SEN GUPTA: Is it a fact, Sir, that in 147 cases these women prisoners refused to give any information, or is it not a fact that in 100 at least of these cases no inquiry was made of these prisoners with regard to their status?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot answer specifically as to whether 100 or 147 prisoners refused to give information, but from my general knowledge I can say, as I have already said, that in the bulk of these cases the women prisoners themselves take up the attitude that as political prisoners they should be placed in a higher division, and this is not possible without due inquiry about the facts of each case.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to consider the question of putting all these female prisoners in division II?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not unless their status deserves it.

Mr. SHANTI SHEKHARESWAR RAY: As the Hon'ble Member says that no figures are available showing the classification of prisoners, may I ask him how he has obtained the figures?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the member will please look up the answer, he will see the difference.

NON-OFFICIAL MEMBERS' BILLS.

[The discussion on the Bengal Suppression of Immoral Traffic Bill, 1932, was then resumed.]

Dr. NARESH CHANDRA SEN GUPTA: Sir, an appeal has been made to me in the name of outraged womanhood and I have been called upon in the name of the honour and dignity of woman to support the Bill. No appeal could touch me nearer my heart. I have always been a worshipper of woman, the mother, the wife and the daughter of man. And under volleys of calumny and abuse I have ever tried to give voice to the wails of womanhood, not alone of those who are dressed in purple and bathed in the sunshine of smiles of fortune, but also of those who are crushed under the heels of an unkind fate. An appeal in the name of womanhood is, therefore, irresistible to me. But it is because I feel for woman, because my heart bleeds for these poor unfortunates that I am forced to raise my voice against this measure.

It will not abolish pimping and exploitation of women. It will send the pimp and his victim into hiding. And these poor creatures will have a far more miserable life than they now have, ever playing hide and seek with society, hunted and driven from pillar to post and forced perpetually to court the favours of the local police at the cost of greater humiliation and shame.

3-15 p.m.

If we cannot do anything to reclaim these women from a life of shame, if we cannot help them to become useful members of society, if we cannot fit them for the honourable service of mankind, we can at least save them from further humiliation, disgrace and suffering which will be their inevitable lot if we pass this Bill without providing a background of constructive social and economic improvement for them, which alone can be of any use. Sir, I should not have troubled this House if I complained against any details of the Bill. My complaint is against the fundamental principles of penalising social evil where the moral resources are wanting to eliminate, or successfully diminish the well-springs of these evils. The limits to the efficacy of penal laws were laid down long ago by Bentham and Mr. Basu proposes to transgress many of those limits. Where evasion is too easy, where the wish to do wrong is more potent than the terrors of punishment and where public feeling is tolerant of the wrong, the law is bound to be a dead letter. It may have its use as a piece of legislative window-dressing and it may have an honoured place by the side of the Juvenile Smoking Bill, the Sarda Act, the Ghee Act and, may I add, the Primary Education Act, and the State Aid to Industries Act, but it will not achieve the end that Mr. Basu has in view.

Mr. K. C. RAY CHOWDHURY: To any attempt that has been made to prevent the passing of this Bill, I shall reply that all over the world, the legislators are not fools. The legislators of Germany, France and Egypt have passed similar laws in their statute books. Do not let us believe that this legislation will not have any effect. I admit that the social customs of this country, the man-made laws, want of education of women and of facilities to earn an honourable living have been at the root of this evil. These facts are well known, but in spite of that there is legislation not to stamp out the evils of prostitution, but to check and regulate it and to bring it under control, more or less with a view that at least those agencies are responsible for this inhuman traffic in slaves, can be terrorised and kept in check. I may say that I am at one with my friend Mr. Basu that the economic cause is at the root of this evil. I admit that, Sir, but he also has given some constructive suggestion as to how to remove that cause. We, Sir, in our humble way, through our institutions—just as Mr. Wordsworth has said, through the institution of the Society for the Protection of

Children—we are trying to check this evil against the children. We are trying to give facilities through the Saroj Nalini Institution for vocational training of our poor girls and thus to get at the root of this commercialised vice, but none of my colleagues have given us any suggestions as to how to combat this evil even without legislation. Sir, it is well known that the pernicious agencies of Calcutta, the pimps, the procurers, the owners of brothels and other persons who are helping in this traffic, must be brought under control. At least by legislation we can check them and stamp them out, and after all, that is the fundamental object of this Bill. Many European friends of mine have told me that in India, it is the most honoured profession, this institution of prostitution. I beg to repudiate that; it is not a thing which has reached the stage in this country as commercialised vice, as it has reached in the West. As far as the question of solicitation is concerned, I do not think that any one who has any knowledge of any Western country, can deny that there is more of this in any street or town in any Western country than there is in India, and I will say that in this respect, Calcutta is much more moral. So far as the northern part of Calcutta is concerned, the only solicitation that has been mentioned by Rai Bahadur Dr. Haridhan Dutt, is the parade of prostitutes in the verandahs of their houses. Parading in the verandahs in the northern quarter cannot be more objectionable than what is going on in every town in the West. (A VOICE: In spite of the Act?)

I say that an Act of this kind is a necessity. I have told you and reminded you that though we cannot stamp out prostitution, we can at least check it and control it. (A VOICE: Spread it.)

Well, Sir, I think it is high time that legislators of this Council should make up their mind to help Mr. Basu. He has been described as a visionary—anybody who has any laudable object is called a visionary, Gandhi is called a visionary—and that vision will be a practical thing if all of us are determined to help Mr. Basu in carrying out this measure, and we are grateful to him for bringing this motion before us.

Khan Bahadur Maulvi AZIZUL HAQUE: While I was reading an outstanding book of the modern century by H. G. Wells, "Outline of History," I read a passage in which the author referred to Lord Birkenhead as one having the supreme contempt for law for being a successful lawyer. I find my friends Mr. N. K. Basu and Dr. Naresh Chandra Sen Gupta have this characteristic feature of supreme contempt for law which is the characteristic virtue of a successful lawyer, and I think that is the reason why they have made these speeches on the inefficacy of law and went back probably a quarter of a century, to find out their authority for this. I would ask my friend to read and re-read the modern pages of history of countries in which legislatures have been figuratively torn to pieces for the social legislation that has come on to the statute book of every country, and this will

show my friend that the West has been able to curb the evil, and the West has made a very determined effort to check the evil as far as possible. I am aware that there are very grave defects in the Bill, but, Sir, sitting in this Legislative Council we must at all times find out what are the reasons that we come here to work out any great measure. Is it our hope that it will be possible at any time to curb the evil which laws can deal with? Take the case of theft; am I to understand that because there are certain sections of the Penal Code, therefore all theft has gone out of the country? Certainly not, but I will certainly say that because there are certain penal provisions of law, therefore those who are guilty of the crime are less than they would have been. That aspect of the question has been completely forgotten by my friend, that even though it may not be possible to deal with the present evil, it will have the moral effect of putting a check to its increasing more and more. I may say this much that the effect of the Bill will be, that the people concerned will know that there is at least one instrument which, if utilised, can be used to check this evil, and to that extent I think it will be right that we should pass this Bill at a later stage after removing the defects which are in it. Sir, I quite admit that the Bill has got many defects, but I do not think any one in this House has either the time, or the opportunity, or even the inclination to go into the clauses of the Bill, and in a social legislation of this character, the House ought to accept the principle of the Bill and refer it to the Select Committee. But the Bill should not be turned down outright without an opportunity being given of discussion in Select Committee.

Much has been said about this Bill and speaker after speaker has made a point of trying to find out what the object of the Bill is. If a man or woman want to live a bad life, there is nothing in the world to stop it, but surely minor children are the property of the nation, and with a view to save the children, I think society has a right to interfere and provide a purer and better moral atmosphere for these children. I think Mr. Basu was asking about the fate of little suckling babes, nurtured in the houses of these public women. I may say at once that these people have ceased to be fathers and mothers of these children. The State ought to intervene in the moral interests of these children who are really the property of the nation, and the State can very well say that these parents have no right to function as such in respect of these children. My friend will find in the history of legislation of this sort numerous instances where the State has interfered on occasions, more than once, with regard to these children. I shall not take much of your time, but I shall simply give one reply to the numerous precedents quoted from the Western world where legislation has not really put a stop to this evil. But if you really try to find the way in which these things are being carried out, you will find that the question is being systematically dealt with very successfully in Western countries.

Another speaker has mentioned the existence of solicitation in Western countries and gives that as a reason that commercialised vice has not been properly dealt with in those countries.

In conclusion, I should say that we should not stand in the way of a reference to Select Committee. As Mr. Wordsworth has said, we might be able to get into the real necessity for the Bill, and we may be able to come to the conclusion there as to whether the Bill should be introduced or not.

Mr. B. C. CHATTERJEE: So many different speakers have given out so many different views that I really do not know what we are talking about. We are talking about this Bill, but all kinds of matters, which various speakers have picked up from Bentham and other authors, are being flung at us without any reference to the real matters in issue. As far as I understand, the Bill aims at two things. The first is, it aims at rescuing the little children who are at present to be found in the various brothels. Is there really a single man here who objects to this? Is there one single man who can seriously object to our attempting to rescue little children from the various brothels, from the life to which they are doomed unless they are rescued?

3-30 p.m.

I cannot imagine anybody sitting here who can hold such a view. I do not understand Mr. N. K. Basu to be seriously suggesting that these children should rot and rust in these brothels, and that we should not make any attempt to secure their salvation. May I ask a personal question? We have our own little daughters and sisters. Take the case of the little children in our own homes. We know we would fight to the death against seeing them deviate into the life that is led in these various brothels. Are we not bound to try and look after these children in the various brothels as we would in the case of our little sisters and daughters? We claim to be the representatives of the nation; we claim to be here to legislate for the good of the nation. Can we possibly refuse to save these little mites now shut up in the brothels of Calcutta? The same responsibility rests on us to do for them what we would do for our own children. I know there will not be a single man in this House who will dissent from that proposition.

The second aim of the Bill, as I can see it, is nothing so revolutionary as Mr. N. K. Basu imagines. He thinks that it will drive vice underground. How and why? Womankind has immemorially divided itself into the mother and the mistress kind. There is no denying it. And for the salvation of the world the fortunate fact is that the former has been the overwhelmingly predominant type; but there are women, we know, who choose to be mistresses of men rather than be mothers of men. Those who want to live that life this Bill does not and cannot touch. This Bill cannot prevent it; this Bill does not do

anything so nonsensical as to attempt the impossible. If a woman wants to surrender herself physically to a man, she will, and can, do it. This Bill is not crying out against it, but it will not allow a number of harpies, a number of he—and she—ghouls to barter with the bodies and souls of these women who want to make a living in exchange for their persons. It will only prevent the ghoulish creatures that swarm round the unfortunate women from making a living out of their bodies and souls. A woman who wants to carry on her particular business will be left free to do so, only the Bill provides that she cannot live in a brothel, but that she will have to live in some place of her own where she will not be under the control of the he-friends and the she-friends. Is there any man who can object to this? And that is the only other object of this Bill. I have not been able to find anything in this Bill which presents any great difficulty. Why should we make so much fuss and so much confusion over this very simple issue which Mr. J. N. Basu has put into this Bill? Of course, people might ask where are we going to house so many women who would be forced out of the brothels? But that is just one of the questions that the Select Committee will tackle, and instead of talking here at random the critics would do very well to offer evidence before the Select Committee, and make suggestions as to how this problem of housing these women who would be taken away from the brothels is to be solved. Other places which have legislated on similar lines have attempted a solution of the problem, and have greatly succeeded. I have in my hand some notes from an experienced worker in the field on the question of how the various other places which have adopted legislation of this character have handled the problem. They do not seem to have found the difficulty insuperable. Calcutta has never tackled this task before; this is the first time she is tackling this problem, and I ask my friend Dr. Naresh Chandra Sen Gupta to apply the ingenuity of his brain to the finding of a solution of this problem. We, Bengalees, have got to solve it, and it is no use throwing up our arms in despair. It is up to each one of us to study how the other towns and other places which have had legislation of this nature have solved this problem. It is up to us, further, to think of independent ways of solving it; we have got to solve it. We cannot allow this terrible shame to eat into the very vitals of the province. It is a terrible shame that a number of blood-suckers go on living on the life blood of these poor women. You have got to find out how you can prevent them from doing so. Go to the Select Committee and try to help it with suggestions as to how to do it. I will hand over these notes to Dr. Naresh Chandra Sen Gupta to let him see how the other cities have tried to solve this problem. I submit we are really wasting our time by further discussing this question. Every one in his heart of hearts agrees with the object of the Bill. Every one knows that the broad principle of the Bill is in unison with what he desires, and that being so, when the Bill goes

to the Select Committee every one ought to try to help the Select Committee by offering whatever suggestions he can in the light of his studies on this problem.

There is another set of people here who are very religiously minded,—whom I respect very much for their religious principles of course—who turn up their noses at the very topic that we are discussing here to-day; they think such an unsavoury topic ought not to come to this Council at all. To those exponents of purity I will only say "remember the two great examples—the example of the Lord Buddha in his attitude towards Ambapali, and also the attitude of the Lord Christ towards Mary of Magdala."

Mr. P. N. CUHA: Mr. President, Sir, opposition to this Bill has come mainly from three of my hon'ble friends, Mr. Narendra Kumar Basu, Dr. Naresh Chandra Sen Gupta and Maulvi Abul Kasem. I do not know why they consider a legislation like this undesirable. Mr. Basu has said that the Bill would never succeed in removing the vice of prostitution from the country. I agree that it will not. This particular vice has never been removed, cannot be removed and will not be removed. The Bill introduced by my friend, Mr. Jatindra Nath Basu, is only an attempt towards the eradication of a portion of the evil that exists in the society and is eating into the vitals of social system. I, therefore, consider that the Bill is a very useful one. The issue before us is plain and clear. The prostitution is a loathsome thing and it is ruining the society; the Bill is an honest and straightforward attempt to minimise the evil. I, therefore, whole-heartedly support the motion before the House and desire that the Bill should be referred to a Select Committee.

Sir, my friend, Mr. B. C. Chatterjee, has rightly said that efforts should be made in the Select Committee to make the provisions of the Bill as thorough and comprehensive as possible. The Select Committee would do well to take special note of the opinion expressed by the Inspector-General of Police. He has expressed the opinion that the rescue work, as contemplated by the Bill, would be greatly hampered for want of rescue homes. Where will the unfortunate girls rescued from the houses of ill fame go to earn an honest living? This is a problem of great magnitude. The entire object of the legislation will fail if we cannot establish a sufficient number of rescue homes and that is a task which will require a lot of money. We shall have to tap various resources and in this connection I would mention one about which I have already spoken to my friend, Mr. Jatindra Nath Basu. Sir, my own impression is that it will be possible to get a lot of help from the women of the town themselves. According to the laws of the land; properties left by prostitutes go to the Government. This is the case when a woman does not give her property to some one else by a valid will. Nobody likes that his or her earnings should go to

the Government and it is to avoid that, I am told, that these unfortunate women generally execute wills before their death and bequeath their properties sometimes to the charitable institutions and sometimes to others. My friend Dr. Bidhan Chandra Roy, the Mayor of Calcutta, who is in charge of the Chitta Ranjan Seva Sadan at Kalighat, has told me that he had on several occasions received money for the Seva Sadan bequeathed by public women of the town. He believes, as well as I do, that a little propaganda work by lady workers amongst the public women of the towns will enable us to secure sufficient money from them.

(A VOICE: From brothels?)

Yes, from the brothels. There is no harm in collecting money from brothels to check the growth of brothels. This is one source and I believe that the Select Committee, if it applies its mind carefully to the problem, will be able to discover further sources from which it will be possible to collect money for the purpose of establishing a number of rescue homes.

Sir, the Commissioner of Police, Calcutta, has expressed himself strongly against the Bill. He thinks that the task of giving effect to the provisions of a legislative measure like this will be extremely difficult for the police. He has pointedly said that the number of policemen will have to be increased considerably. Most likely it will have to be done, but that is no reason why a vicious system shall be allowed to be continued. The help of the police is necessary to put a check to all sorts of crimes and vices and no sane people will ever grudge the expenditure on police for the purpose of purging the society of all evils. Besides the Police Chiefs of Bengal and Calcutta, I think the Darjeeling Municipality is the only other agency which has expressed itself against the Bill. This particular municipality thinks that the measure is drastic, but, on the other hand, the Lord Bishop of Calcutta and several other heads of the various Christian churches have expressed the opinion that the punishments provided in the Bill are too lenient and they have recommended sterner punishments. I hope the Select Committee will go into the matter carefully.

3-45 p.m.

Sir, of those who have taken exception to the measure, Mr. Narendra Kumar Basu is going to the Select Committee and I have no doubt that he will do all that may lie in his power to remove the objectionable features of the Bill. The Commissioner of Police should be asked to give evidence before the committee so that the members may know his viewpoints clearly. Maulvi Abul Kasem fears that the Bill, when passed into law, will drive the vice underground. I hope not. As for Dr. Naresh Chandra Sen Gupta, I think he is hopeless and nothing will be able to change his opinion. Those who are conversant with his productions are sure that he will never be convinced.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, the immoral traffic or commercialised vice is a social evil which like cancer is eating into the vitals of the human society. It is not only an offence but it is a revolt against womanhood, nay, against motherhood. There cannot be any human soul who does not sincerely and honestly desire the eradication of this plague from the body of society.

Sir, the natural evil instincts of man commonly overstep all artificial restraints; his sexual energy hardly keeps itself confined within the rigid limits of matrimonial life. It is only for this reason that in all lands and in all ages religious, moral and legal codes have been enacted to guide the human conscience and to protect the sanctity of the society. But in spite of all these, the natural tendency of sexual habits in man has contaminated the society and has brought into being the evils of prostitution.

Time was when religious and moral codes spread their influence over human mind and needed no restraint from outside.

As a result, the evil was less extensive. But with the advent of the materialistic civilization of the West, the canons of religious and moral codes have lost their grip and the evils have greatly increased. Town life is the creation of the occident and hence the vice is more rampant there. It is conspicuous by its absence even to-day in villages where the materialistic civilization has not been able to force its way. Sir, the object of the Bill is to provide consolidated legislation for the whole of Bengal which will give to the authorities such powers as will materially aid them in checking the evil of commercialised vice and will lead to the gradual suppression of brothels and immoral traffic. And the means suggested are to strengthen the hands of the authorities in regard to taking charge of the minor girls in brothels, etc., to provide penalty for the offenders against certain provisions, also to provide suitable custody of girls removed from brothels.

Sir, there can be no two opinions about the laudable objects of the Bill. But to achieve the desired object in such a case, law plays rather an inferior part and it is religious and moral education and social reform that can rightly counteract the evil.

Sir, the present Bill has been drawn up on the model of the Bombay Act XI of 1923 and Burma Act II of 1921. But reports from those two provinces go to show, that the evil which was intended to put a stop to, is rather spreading there, at an alarming rate since the introduction of these measures. The poison which was so to say bottled up in particular areas, has spread all over the city of Bombay, according to the reports of the Bombay Social Purity League due to the policy of the Government in closing up brothels all at once, without reckoning what would happen to thousands of persons dishoused from such

brothels. The atmosphere is getting more and more contaminated daily and the poison being let loose all over the city, no locality is free from this evil in consequence.

As the Bill is going to be referred to the Select Committee, I need not dilate upon the pros and cons of the different clauses but would like to warn the House that you should not put too much reliance on the efficiency of legal codes, to eradicate this menace.

Sir, this being a social evil, State action is not possible in every aspect of it. In places like large trade centres, ports, military stations, etc., it is rather beneficial that the prostitutes should exist: otherwise certain offences may usually increase causing disturbance to public safety. But in that case Government may enforce segregation to prevent contamination all over the places.

Then, Sir, there should be preventive actions such as employment of women and minor girls, giving them healthy recreations and corrective education. Aftercare societies should be encouraged and given proper recognition. Necessary funds should be provided for the above purposes, without which I should like to point out to the mover and the House, that the objects of the Bill will totally fail.

The abolition of the traffic should be gradual and the brothels should not be allowed to remain beyond well-defined areas. To check the spread of venereal diseases periodical medical examination of the prostitutes should be introduced.

Sir, there is another aspect—man is primarily responsible for this degradation of woman. So deterrent punishment should be inflicted on the men who corrupt chaste women and bring down shame and suffering to the humanity.

In conclusion, I would again say that unless you can provide elaborate arrangement for proper religious and moral education to enable the fallen men and women to chalk out honourable careers for themselves, law and disciplinary measures only will not eradicate the vice from the society.

Sir, I have put forth above some suggestions which, in my opinion, should find place in the body of the Bill. I hope the Select Committee will examine them carefully and accept them as far as practicable.

Though there are many practical difficulties and though I am not very confident about the utility of such a measure, I find it my duty to support the Bill for its reference to the Select Committee and do not see why it should be thrown out outright at the present stage. When the Bill is out of the Select Committee, the House will get a better opportunity of its thorough examination and then it will be up to them to accept it or not.

The Hon'ble Mr. R. N. REID: Sir, Government do not intend to oppose the reference of this Bill to a Select Committee and this shows that they accept the principle and desirability of social reform. In taking up this attitude they do not necessarily want it to be implied or assumed that this Bill, as drafted, is bound to achieve the object which it sets before it. It is certainly an ambitious Bill and its object, as stated in the Statement of Objects and Reasons, is a comprehensive one, but it is at least open to doubt whether legislation is certain to achieve all that this Bill sets out to achieve. The Bill is based mainly on the Bombay Act of 1923 and the Burma Act of 1921, and it is worth while considering how far these two Acts have been successful.

As regards Bombay, the information that I have so far been able to collect is, to say the least, conflicting. Mr. Gupta quoted with satisfaction a report, I think, of the Bombay Vigilance Society to the effect that the Bombay Bill has been extremely successful and has gone a great way in eradicating vice from that city. On the other hand, I have before me a quotation given in a newspaper from a report of the Bombay Social Purity League. They take rather a different view. They say—

"The Government passed legislation abolishing brothels, without considering what would happen to the thousands of dishoused inmates. The result is that the poison has been let loose all over Bombay. No locality is free from this evil, in consequence, and the atmosphere is daily getting more and more contaminated. The police are, no doubt, doing all that is possible to check the growing menace; but they have their handicaps and are not able to cope with it."

And again—

"The year under report (1931) has been a very difficult one from various points of view. In the first place must be mentioned the fact that the executive took a very hasty step in suddenly closing all brothels which numbered about 500 with nearly three to four inmates in each, without reckoning what happens to the persons dishoused from such homes in Bombay. This let loose nearly 2,000 to 3,000 bad characters in the city for whom there was no habitations or occupation. They were shunned by their relatives and acquaintances, cursed by the parents, and hated by the general public. Wherever they could get a footing, they set up on their own and started in the life they were used to without further prosecution from the authorities."

This shows the possible difficulties in such Bills as this, both in regard to the actual provisions of the Bill, and the way in which they are enforced.

As regards Rangoon, the results of their Bill have been rather more favourable. We have information that certain evils, such as prostitution of young children, traffic in young women and children

and the corruption of the police, have diminished. At the same time it is by no means proved that the real evil has been stamped out. Though I am pointing out some of the difficulties and dangers which may follow this legislation, I do not wish to suggest that such difficulties and dangers should deter the House from endeavouring to legislate, if they think that legislation is the right remedy for eradicating the evil. Government do not oppose the reference of the Bill to Select Committee and they keep an open mind as to how far this Bill will require modification in order that it may be workable and that it may achieve the object it has in view.

Babu JATINDRA NATH BASU: Sir, one fact that has emerged prominently as a result of the instructive discussion that we have had is that there is a unanimity of view that the object of the Bill is a laudable one. There is no difference of opinion as regards that. There has been criticism, and to some extent adverse criticism, as to the methods suggested in the Bill for carrying out the object it has in view. Well, as regards those objections, the Bill aims at eradicating or suppressing commercialised vice. For several decades all over the world a careful study has been made as to what are the most effective methods for dealing with commercialised vice. It has been found that commercialised vice extends and ramifies mostly from brothels. Therefore, one of the points of attack was the brothels, and this Bill aims at the abolition of brothels where commercialised vice is openly carried on. In order to do so, we have to deal with the owner or the lessee who knowingly uses a house for the purpose of letting it out in small compartments for carrying on that traffic. Then the Bill seeks to deal with those who supply the personnel inhabiting the brothels, and the various methods by which customers are attracted are also dealt with in the Bill. In that way the Bill aims comprehensively to deal with the various stages of the traffic so that the evil may be put a stop to. It has been stated that the methods set out in the Bill are not likely to achieve the desired results.

4 p.m.

Those methods have been adopted in other countries of the world and to some extent in Bengal and in certain other parts of India after careful investigation of the local conditions and after careful scrutiny of all the possible methods that may be adopted with a view to deal with this traffic. The methods are not new methods. They have been tried and are well established.

Some of the speakers suggested that there was already provision in the Bengal Suppression of Immoral Traffic Act, 1923, for dealing with this problem. But if you scrutinise the provisions of that Act, you will find that that Act can only function in a limited area and under

certain very specific conditions only. The present Bill is not limited to any specific area and may be extended by Government to areas outside Calcutta and throughout the province. That was not provided in the previous Bill. This Bill attempts to bring together the legislative provisions of several Acts into one compact Act, so that the people as well as the courts may know what the law on the matter is. These, Sir, are the objects of the Bill. Ever since the Bill was introduced into this Council, there have been expressions of public opinion all over the province very largely in favour of the Bill. Out of the opinions submitted to the Legislative Department, of 120 opinions received, nearly 113 are in favour of the Bill. So public opinion is solidly behind this measure. Mr. Narendra Kumar Basu, who represents the district of Nadia in this Council, will probably be interested to know that all his constituents are strongly in favour of the Bill. The whole of the district board of Nadia and eight of the municipalities in that district have expressed in no uncertain terms their full support of the measure. I submit, therefore, that this Council will have the solid support of public opinion in seriously taking up this measure and referring it to a Select Committee, so that, when after careful consideration the Bill comes up before the Council again, the Council may proceed to place it on the Statute Book. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: For obvious reasons, I should like to split up this motion into two parts before I put it to the House. The first part will involve the principles of the Bill and the second part the personnel of the proposed Select Committee. In case the first part is thrown out, the second part will not be put and the Council will not have to deal with the various amendments, which are relevant to the second part.

The question, therefore, before the House is that the Bengal Suppression of Immoral Traffic Bill, 1932, be referred to a Select Committee.

The motion was put and agreed to.

Maulvi TAMIZUDDIN KHAN: Sir, there are a large number of amendments proposing the addition of names to the Select Committee. Will they not be moved?

Mr. PRESIDENT: I will first read out the names suggested by the mover of the original motion, so that you may be able to judge therefrom whether you should or should not move those amendments.

Babu JATINDRA NATH BASU: With your permission, Sir, I beg to add five more names to my committee so that the whole committee will consist of—

(*1*) the Hon'ble Member in charge of the Police Department;
(*2*) Mr. Narendra Kumar Basu;
(*3*) Babu Satish Chandra Ray Chowdhury;
(*4*) Maulvi Tamizuddin Khan;
(*5*) Haji Badi Ahmed Chowdhury;
(*6*) Mr. W. C. Wordsworth;
(*7*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;
(*8*) Mr. J. N. Gupta, C.I.E., M.B.E.;
(*9*) Mr. P. N. Guha;
(*10*) Babu Khetter Mohan Ray;
(*11*) Khan Bahadur Maulvi Azizul Haque; and
(*12*) myself.

Mr. PRESIDENT: I have no objection. Now what about the amendments?

Maulvi HASSAN ALI: I beg to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Maulvi Syed Jalaluddin Hashemy;
Maulvi Abdus Samad;
Kazi Emdadul Hoque; and
Maulvi Hassan Ali.

The following motion was called but not moved:—

Kazi EMDADUL HOQUE to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Maulvi Hassan Ali; and
Kazi Emdadul Hoque.

Maulvi MUHAMMAD HOSSAIN: I beg to move that after the name of Khan Bahadur Maulvi Azizul Haque the following name be inserted, namely:—

Maulvi Muhammad Hossain.

I did not mention the name of Maulvi Nural Absar Choudhury as I have not received his consent.

Maulvi ABDUL HAKIM: I beg to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Khan Bahadur Muhammad Abdul Momin; and
Maulvi Abdul Hakim.

The following motions were called but not moved:—

Mr. SARAT KUMAR ROY to move that after the name of Khan Bahadur Maulvi Azizul Haque the following name be inserted, namely:—

Babu Sarat Chandra Mittra.

Rai Bahadur KAMINI KUMAR DAS to move that after the name of Khan Bahadur Maulvi Azizul Haque, the following names be inserted, namely:—

Rai Bahadur Satyendra Kumar Das;
Rai Bahadur Keshab Chandra Banerji;
Mr. Ananda Mohan Poddar;
Maulvi Syed Majid Baksh; and
Mr. Syamaprosad Mookerjee.

Babu KHETTER MOHAN RAY to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Khan Bahadur Muhammad Abdul Momin;
Mr. Syamaprosad Mookerjee; and
Babu Kishori Mohan Chaudhuri.

Dr. AMULYA RATAN GHOSE to move that for the name of Haji Badi Ahmed Chowdhury the name of Mr. A. F. M. Abdur-Rahman be substituted.

Dr. AMULYA RATAN GHOSE: As Mr. B. C. Chatterjee is not willing to serve, I move that after the name of Khan Bahadur Maulvi Azizul Haque, the following names be inserted, namely:—

Seth Hunuman Prosad Poddar;
Mr. R. Maiti; and
Babu Haribansa Roy.

The following motions were called but not moved:—

Maulvi ABDUL HAMID SHAH to move that after the name of Khan Bahadur Maulvi Azizul Haque the following name be inserted, namely:—

Maulvi Abdul Hamid Shah.

MUNINDRA DEB RAI MAHASAI to move that after the name of Khan Bahadur Maulvi Azizul Haque the following name be inserted, namely:—

Munindra Deb Rai Mahasai.

Maulvi NUR RAHMAN KHAN EUSUFJI: I beg to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Khan Bahadur Maulvi Muazzam Ali Khan; and
Maulvi Nur Rahman Khan Eusufji.

The motion of Maulvi Hassan Ali was put and lost.

The motion of Maulvi Muhammad Hossain was put and lost.

The motion of Maulvi Abdul Hakim was put and agreed to.

The motion of Dr. Amulya Ratan Ghose and that of Maulvi Nur Rahman Khan Eusufji were then put separately and lost.

The following motion was then put and agreed to:—

"That the Bengal Suppression of Immoral Traffic Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Member in charge of the Police Department;
(*2*) Mr. Narendra Kumar Basu;
(*3*) Babu Satish Chandra Ray Chowdhury;
(*4*) Maulvi Tamizuddin Khan;
(*5*) Haji Badi Ahmed Chowdhury;
(*6*) Mr. W. C. Wordsworth;
(*7*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;
(*8*) Mr. J. N. Gupta, C.I.E., M.B.E.;
(*9*) Mr. P. N. Guha;
(*10*) Babu Khetter Mohan Ray;
(*11*) Khan Bahadur Maulvi Azizul Haque;
(*12*) Khan Bahadur Muhammad Abdul Momin;
(*13*) Maulvi Abdul Hakim; and
(*14*) Babu Jatindra Nath Basu;

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be four."

[At 4-20 p.m. the Council was adjourned for prayer and it re-assembled at 4-30 p.m.]

The Bengal Disorders Compensation Bill, 1932.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg to move that my Bill be referred to a Select Committee consisting of—

(*1*) the Hon'ble Member in charge of the Police Department;
(*2*) Maulvi Abdus Samad;
(*3*) Maulvi Syed Majid Baksh;
(*4*) Mr. B. C. Chatterjee;
(*5*) Babu Satish Chandra Ray Chowdhury;
(*6*) Rai Bahadur Kamini Kumar Das, M.B.E.;
(*7*) Rai Bahadur Keshab Chandra Banerji;
(*8*) Mr. Ananda Mohan Poddar;
(*9*) Maulvi Abdul Gani Chowdhury; and
(*10*) the mover;

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In this connection I would like to submit, that all the members are aware of the provisions of the Bill as introduced in the Council on 22nd February last.

My object is to put a stop to communal riot. That is my first object and that is my last object. I ask the Government in all humility, am I not entitled to their support? I ask my Hindu friends, do you not want to stop the further recurrences of such riots? Then, do support me. I entreat you. It will act as a threat and it will have deterrent effect. That is what I aim at. With folded hands I ask my Muhammadan friends to tell me frankly if Muhammadans are not the worst sufferers in communal riots? Ultimately they suffer most. And their suffering is long and far-reaching. Who gains by these communal riots? I do not know. The Government, the Hindus and the Muhammadans all suffer one way or other, by these communal riots. And, Sir, I want to stop it and I will show you how I want to do it.

My friend Mr. Satish Chandra Ray Chowdhury opposed my Bill on the ground that Government have already enough power to stop the communal riot, if the Government are willing to do so.

Are the Government prepared to admit this statement of Mr. Ray Chowdhury? Why this Government, I am sure, no Government, will be ready to accept this rather libellous statement.

I know Government has enough power to terrorise, but has not the exact remedial power, I contemplate in my Bill. Mr. Ray Chowdhury has confused the issue of my Bill with that of the Punitive Police and its abuses.

Sir, everything has its abuses. And because some law might be abused, shall we shut up our eyes against its blessings? Sir, my Bill contemplates different remedies than that of Punitive Police. If my Bill is passed into law, it will have a strong deterrent effect on communal riots, I assure you.

If we want the Government to act in a certain way, we must give them power. And the Government can only act through its agents. I give power not to the police directly and indiscriminately but to the magistrate; without which how we expect the Government to act?

My esteemed friend, Maulvi Abdus Samad, in sympathising with my Bill, for which I am very thankful to him, has made a deep, clear and penetrating analysis of these recent riots.

The leaders of both the communities cannot influence the ring-leaders. And why? Because the leaders do not want to lose their communal leadership which again depends upon separate electorates. The ring-leaders after exciting the mobs fly away and when the mischief is done on communal basis and on communal fanaticism, the best way to punish the criminals for the sake of equity and justice and common sense should be on communal basis.

This will certainly have a very strong deterrent effect. And I am sure, and as I know to my cost at Dacca once at a place this punishment is effected on communal basis, communal riots will not happen there a second time.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, during the course of the last few years, the history of Bengal has been disgraced by the communal riots. Many innocent lives have been lost and properties worth several lakhs have been ruined. Whatever may be the cause of these riots, the great lesson it has taught is that the ordinary law of the land has signally failed to restore peace and order in the country. It has also been admitted by the authorities that the ordinary police force was often found inadequate to cope promptly with these sudden outbreaks. This is evident from the recurrence of these riots in different parts of Bengal.

Sir, in whatever manner the authorities may try to explain away the situation, these riots make one despair of the police who are the custodian of law and order. The revelations made by respectable witnesses during the Dacca Riot Inquiry Committee proceedings go to show that during these riots the police were either very powerless or they mysteriously moved so slowly that mischief was done to its full extent. As a result people in general have lost all confidence in police.

There is no denial of the fact that if the authorities could grasp the situation at the very start at Dacca and Kishoreganj, then so many valuable lives and properties would not have been lost.

Sir, the preservation of law and order, the protection of lives and properties of persons entrusted to its care, are the primary functions of the State and if the State fails to perform its primary duty, its prestige is lowered in the estimation of the public eye. This is not a very happy situation. If the prestige of the Government is gone, if the people have no confidence in the administration, if there is no feeling of security in the public mind, then how can the administration go on? It is in the interest of the State itself that the Government should adopt such policy, should take such means as to create a feeling of security, a feeling of trust among the people.

Sir, if legislation is resorted to so as to ensure compensation to innocent sufferers on the lines suggested by this Bill, that would certainly make a salutary effect on the miscreants, as well as on the communalists that are directly or indirectly responsible for these disorders. So it is quite in the fitness of things, that this Bill has been brought in.

Sir, everybody knows that these riots are often brought about by interested persons who rake up communal feelings to satisfy their own greed and passions. The perpetrators of these heinous crimes against society, against established peace in the country, should never be allowed to go unpunished; at the same time those innocent persons who are made to suffer heavily with lives and properties for no fault of their own, should not remain uncompensated. It, therefore, behoves the Government as well as the hon'ble members of this House to support this Bill in order to put a check to the riotous occurrences and to protect the life and property of the innocent public.

With these words I beg to support that the Bill be referred to the Select Committee.

Maulvi TAMIZUDDIN KHAN: I beg to move, by way of amendment, that the Bill be re-circulated for eliciting further opinion thereon before the 31st December, 1932.

Sir, every one in Bengal or for the matter of that in India, I think, deplores the communal riots all over the country during recent years, and every one will be glad to find out a remedy to put a stop to these communal riots which have been doing not only a great harm to innocent persons in this country but have been a standing disgrace to us, Indians. Therefore, Sir, so far as the object of the Bill is concerned, there is no Bengali or no Indian who is at variance with the mover of the motion. The only question is whether the remedy suggested in the Bill will at all be a remedy or is it likely to aggravate the disease. The allocation of compensation for the responsibility of these disorders is a matter which is one of the most difficult things, and even if it were

humanly possible to find out the guilty and to fix responsibility, it is a question whether it will not create further disunion and further disorder; and whether it will not virtually stand in the way of the two communities settling down to peace and amity in those localities in which unfortunately those riots occur. Therefore, this is a matter which is fraught with very great and dangerous possibilities and the House should think twice before it gives its assent to a measure like this. I would not, however, at this stage say that an attempt should be made to kill the Bill, but it will be an act of wisdom on our part if we re-circulate the Bill for eliciting further opinion.

Mr. PRESIDENT: There are two matters before the House, *viz.*, the original motion and the amendment which has just been moved. We shall have one discussion on them.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, the Bengal Disorders Compensation Bill introduced by Rai Bahadur Satyendra Nath Das aims at suppressing communal riots by imposing taxes upon the rioters and compensating the victims of these riots for losses suffered by them out of the money thus realized.

The Rai Bahadur seems to have started at the wrong end. Ninety per cent. of the rioters in every case are unsophisticated, simple-minded individuals, belonging to either Hindu or Moslem communities, who have lived together in peace and amity for age to age. But ever since the appearance of a number of self-seeking and interested men from either community in the political field, these ignorant people have been made to dance to their tune. It is these political leaders who are solely responsible for blindly leading these men on to the path of violence. Hence, if any new legislation must be enacted with a view to penalise those who take part in communal riots, it is only meet and proper that it should be directed against these self-seeking political leaders, instead of the poverty-stricken, illiterate and ignorant instruments in their hands.

A term of imprisonment is sufficient to bring them to their senses, so the ordinary criminal laws and the Police Act together with punitive police taxes are sufficient for effectively dealing with cases of communal riots.

The epidemic of dacoities which has to-day broken out in the country is due to the activities of the revolutionaries and rich people have suffered more on account of these dacoities than through communal riots. Government have given notice of a Bill to be moved this session for putting down these crimes. I think the Bill will go a great way in removing the cause of communal riots as well.

I, therefore, oppose this Bill of Rai Bahadur Satyendra Nath Das and request him to withdraw his motion for sending it to the Select Committee."

Rai Sahib AKSHOY KUMAR SEN: Sir, the Bill itself in my humble opinion is quite unnecessary, and I cannot but say that if it is passed into law it will give rise to further complications between the two communities, Hindus and Muhammadans, rather than serve as a remedy. Moreover, Sir, the ordinary criminal law of the land is, I submit, quite sufficient for the purpose of quelling these riots.

4-45 .p.m.

The ordinary criminal law of the land is sufficient for the purpose of quelling these riots, and I do not admit that the ordinary law is not sufficient for quelling communal riots. Where the local police is not sufficient for the purpose of quelling a riot and if there be any sign of more danger, then the local officers can ask for either additional police or military police for the purpose of quelling these riots. Whatever that may be, I do not think that the provisions of the Bill will be of any avail for the purpose. Moreover, Sir, I think the people of Bengal will not like to clothe the magistracy with the power of a civil court. There is the law of Torts. If any grievous hurt is inflicted upon any person or if anybody's relative is put to death, these relatives have got civil remedies and they can sue the perpetrators of such crime for damages. My submission is this that to clothe the Indian magistracy with the power of a civil court will be rather dangerous as it will have to deal with complicated questions of civil law and will have to determine the amount of compensation according to the justice of the claim, and witnesses will have to be examined and many complicated questions of fact will also have to be decided. My submission is this that there is the penal law of the land for the purpose of suppressing these riots and there is also the civil law to enable the sufferers to sue the perpetrators of crimes for damages. My submission also is that the measures suggested in the Bill should not be adopted and as I have already said, they would rather make complications more difficult. With these remarks, I oppose the Bill.

Dr. AMULYA RATAN GHOSE: Mr. President, Sir, in supporting the Bill I beg to say that it is for a long time that communal riots and riots of all kinds are increasing and increasing in this country. The rioters are punished by the law courts in cases where they are fully defended, but the people who suffer from these riots, some losing their heads, some losing their property, some losing their valuables,—these sufferers ought to be compensated. Up till now there has been no such thing as a sort of compensation to these unfortunate sufferers from hooliganism. The previous speaker has said that there

is the civil court to seek remedy for this, but as a practical man I have seen that civil courts decide cases after three or four years or even more. A case becomes so long-drawn and so very arduous that often times the remedy secured in the shape of damages given by the civil court is far less than the actual expenses incurred in litigation, and, therefore, it is desirable that some sort of relief should be instantaneously given in full to the people suffering from such distress. In some cases people cannot meet their expenses in pursuing these cases in the law court, and, therefore, I think it is a very opportune time when this Bill has been brought forward. Some gentlemen have observed that this Bill will cause disagreement among communities, but I think that it has gone to such a high pitch that it cannot go any further, and I do not understand why it should be opposed. If the sufferers do get compensation, why should the communities who have caused the sufferings be aggrieved because such relief has been given. After all practically in every riot there have been relief societies organised by the different communities and different bodies to help the sufferers and this Bill also seeks to help the sufferers, and there is no question why one community should be aggrieved or angry about the compensation to be given to the sufferers. It does not certainly mean that the compensation ought to be given to one particular community but to any members of any community who are the sufferers from oppression and at the hands of *badmashes* and hooligans. They ought to be compensated; they have lost their properties and even at times their limbs. In some cases people are done to death. Whatever it is, I cannot see how any reasonable man can object if the poor sufferers seek compensation for their loss. It is not a question at all for any community to be aggrieved for a measure like this, because in such communal fracas it is not always that one community is affected, but that both communities are affected, and members of every community suffer. Therefore, it would be a very good piece of legislation if really we can help the poor sufferers. It will also be a real boon to the sufferers who with the help of this compensation would make good the losses they suffered from. With these few words, Sir, I wholeheartedly support this Bill and hope the House will give unanimous support to it.

Dr. NARESH CHANDRA SEN GUPTA: I beg to oppose both the motion and the amendment. As regards the amendment, I do not think anything further will be gained by re-circulation. As to the motion, Sir, I fully sympathise with my hon'ble friend about the object of his Bill. But here again, has he considered how that compensation is going to be obtained? The Bill is, frankly speaking, directed towards dealing with communal disturbances. Unfortunately we have had terrible experience of communal disturbances in recent times. Well, when there has been a communal disturbance, everybody knows

how the feeling of every member of a community is roused to such a high pitch that even on questions of fact no two members of the two different communities can agree. Sir, the only way of dealing with a disturbance like that is not to exacerbate the feelings of communities by trying to secure the compensation money from any community, but to let byegones be byegones and forget the differences as best as we may. We have found that that has been the only way by which this matter can be managed and has been managed in the past. It would not do to ask the warring communities, it is not the whole community but a few members of the communities who are responsible for such disturbances, it would not do to ask the communities to pay a penalty for the errors of a few members of them. If you read the clauses of the Bill, it is proposed that district officers will assess the amount of compensation which ought to be paid to the persons suffering, and it is perfectly clear that most of the members of communities who would thus be penalised would be absolutely innocent persons. Why should these people be made to pay a penalty only for the fault that they belong to a community which has produced those wrong-doers? I submit, Sir, that this sort of vicarious punishment will not do. By doing this you are rousing the feelings of the members of the different communities who are made to pay for no fault of their own. You are not bridging over the gulf but widening it still further. You are not going to stop communal disturbances but simply fanning the flames of communalism more by raising this question. I think, Sir, in this matter my hon'ble friend has contracted something like Government mentality of dealing with things by means of suppression. Suppression is hardly ever successful in dealing with evils whose roots lie deep in the life of the society. Suppression, as I have said, will not eradicate this evil. These evils will have to be dealt with in a different way, that is, with a spirit of sympathy and co-operation, and it is only in that way that we can get rid of this problem. By means of penalising vicariously the wrongs of certain members of communities, we simply increase our communal bitterness.

5 p.m.

The Hon'ble Mr. R. N. REID: I support the amendment in favour of the re-circulation of this Bill. The Bill is expected to furnish a panacea for communal riots and in view of the importance of its principles and the importance of the object, I think re-circulation is called for. Up to now, I think, only five opinions have come in as a result of the original circulation and I venture to suggest that it would be to the advantage of the mover if he had more opinions behind him before we go further. The Bill is based on a Bombay Act and there again, as far as I know, it has not succeeded in preventing communal riots. The Bombay Act is ten years old. Anyhow my only point in saying this is to suggest that re-circulation would be a good thing; I, therefore, hope that the mover will agree to it.

Rai Bahadur Dr. HARIDHAN DUTT: I fail to find in this Bill anything for which it might deserve support from us. However, I do not oppose the re-circulation of the Bill for further information. I should like to mention one point in respect of the working of the Bill as regards Calcutta. The mover has divided the working of the Act between Calcutta and the *mufassal;* so far as Calcutta is concerned, I have been unable to understand how it will be possible for the Chief Presidency Magistrate to declare municipal wards or sub-wards or sections thereof and to fix what should be the compensation to be paid by the inhabitants of any particular locality. Further, you will find that the word "inhabitants" has been defined in such a vague way that it will be impossible to find out who will pay the compensation. Any servant living in the premises, whose owner may live 200 miles away, is, under this definition, owner of the house and, if I have read the section aright, he will be responsible for the compensation. Such a thing will not be tolerated in Calcutta. As the Bill is going to be re-circulated, the mover may take this into consideration.

The motion that the Bengal Disorders Compensation Bill, 1932, be re-circulated for eliciting further opinion thereon before the 31st December, 1932, was then put and agreed to.

The motion of Rai Bahadur Satyendra Kumar Das, therefore, failed.

The Calcutta Municipal (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Calcutta Municipal (Amendment) Bill, 1931, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department;

(*2*) Mr. H. P. V. Townend;

(*3*) Mr. P. Banerji;

(*4*) Babu Jitendralal Bannerjee;

(*5*) Mr. Shanti Shekhareswar Ray;

(*6*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

(*7*) Seth Hunuman Prosad Poddar;

(*8*) Babu Jatindra Nath Basu;

(*9*) Mr. B. C. Chatterjee;

(*10*) Mr. Syamaprosad Mookerjee; and

(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

On the last occasion when I moved a similar motion, I had no opportunity to meet the points raised by some of the members. My esteemed friend Rai Dr. Haridhar Dutt Bahadur said that I ought to have done propaganda work in the Corporation instead of placing the matter before the Council. To this I should like to point out that the coterie which dominate over the party in power in the Corporation were opposed to the separation and no amount of propaganda work would have helped to alter perverse views. Knowing full well that it was useless to approach them, the two accredited associations of Kalighat—the Kalighat Peoples' Association and the Kalighat Union—requested me to place the matter before the Council for the redress of their grievances. My friend who lives in the northern part of the city is perhaps not aware that Kalighat or rather *Kali-Kshetra* has a separate entity with fixed boundaries quite apart from Bhowanipore from time immemorial and it was a mistake to suppose that it was part and parcel of Bhowanipore. The inclusion of Kalighat in ward 22 with Bhowanipore was an artificial combination and not a natural one. The separation of Kalighat will not only put an end to the agitation for separation but with it my friend's mistaken apprehension of rivalry. The Kalighat people without a single dissentient voice demand separation from Bhowanipore for which they have made out a good case. I do not know why the papers forwarded to Government by the Secretary, Kalighat Union, containing signatures of all the ratepayers of Kalighat demanding separation have not been published along with the other papers connected with the Bill. My friend is no doubt aware that Sir Surendra Nath Banerjea was in favour of small single-seated wards, but as it would have delayed the passing of the Calcutta Municipal Bill in the Council, he provided in the Act section 483 (*1*) which enabled the Corporation to request the Local Government to re-arrange the boundaries of the wards. In the 32 wards of the Corporation there are 18 one-seated, 12 double-seated and only two three-seated wards, *i.e.*, wards 7 and 22. In the present case for reasons mentioned just now, the Corporation has given its verdict not once but thrice against separation of ward 22 and uttered the same *mantram* or formula on each occasion. I am told that as the Corporation has a soft corner in our Hon'ble Minister's heart, he does not like to ignore its views. He cannot offend that august body or lower its prestige for the poor people of Kalighat. But the Corporation cared very little for Government. They ignore it altogether and question the authority of Government to meddle in their affairs. I am afraid the soft corner may turn adamantine in the near future unless the bitter pill under preparation is quietly swallowed up like a good boy.

I should like to impress upon the House that the views of ward councillors generally carry weight with the other councillors and if the ward councillors are against any proposal regarding the ward which they represent, as a matter of fact, their views generally prevail and are accepted. The Bill makes a proposal which cannot in the nature of things be palatable to them as they are not far above common humanity; they naturally resent it and, therefore, it is idle to expect any support from the Corporation. It was, however, a curious thing to note that the মাসী (aunt) of the Corporation bride was allowed to lead the opposition with regard to this particular Bill on each and every occasion when it came up before them for consideration although she is not friendly with them in other vital matters.

5-15 p.m.

The facts and figures upon which District Committee No. IV based their contention against separation have been challenged on material and relevant points. I should like to read some of them from the copy of the resolutions unanimously passed in the public meeting of the ratepayers and the people of Kalighat, held on the 1st July, 1931, under the presidency of Babu Ushakanta Mukherjee, M.A., B.L.—

That the statement showing a comparative table of expenditure incurred for Kalighat and Bhowanipore, respectively, out of ward allotments, as supplied to the members of the District IV Committee, was inaccurate and misleading, and influenced the opinion of the members of the said District Committee to a great extent in disapproving the Bill.

That this public meeting requests the Corporation of Calcutta, before expressing its opinion on the said amendment Bill in order to verify the Statement of Objects and Reasons of the Bill, to make a comparative study of expenditure incurred for the improvement of Kalighat and the rest of ward No. 22 from ward allotments and of the improvement effected in the two local areas since 1889 and to make a comparative study of sanitary conditions of the areas.

That the Statement of Objects and Reasons of the said amendment Bill is not meant for a censure on the ward councillors or the Corporation but they are meant to give a picture of the true state of things prevailing in Kalighat.

That this meeting highly resents the adverse opinions given by some of the public bodies, from whom the Bengal Government wanted to elicit opinion, without studying the local condition and properly appreciating the principles involved; this public meeting further deprecates the adverse newspaper propaganda based on false premises.

That as the area of Kalighat is 177 acres which is fairly big in size like that of not only wards Nos. 12, 16 and 17 but many other wards also, and as the number of voters is more than 1,350 and thus exceeds the number of voters of four or five existing wards, and as the taxable capacity of Kalighat is better than that of each of the wards Nos. 18, 24, 28, 30 and 31 and as Kalighat through its pilgrim population pays in an indirect way an enormous amount of taxation by way of railway terminal tax, and by way of Corporation's realisation of taxes from tramways, buses, taxis, cabs and other vehicular transport traffic extending and terminating at Kalighat and from vast number of traders and hawkers whose existence depends entirely on the pilgrims, this public meeting is of opinion that Kalighat is capable of maintaining the paraphernalia of a ward and it should be separated from ward No. 22 as proposed in the Bill.

Some points in support of separation of Kalighat from Ward No. 22.

Kalighat—

1. *Area 177 acres.*—More than the area of each of wards Nos. 10, 11, 16 and 17.

Maulvi ABUL KASEM: On a point of order, Sir. Is the hon'ble member entitled to read from a book?

MUNINDRA DEB RAI MAHASAI: I had better not allude further to the trusted adviser of Government who neither represents any constituency in the Corporation nor in the Council nor has anything to stake within the boundaries of the Corporation, who played the part of বরের ঘরের পিসি (bridegroom's aunt) in the Council and কনের ঘরের মাসি (bride's aunt) in the Corporation of Calcutta against the separation of Kalighat. Another of my esteemed friends, Mr. Campbell Forrester, was pleased to suggest that if the councillors cannot look after this ward properly, they ought to be dismissed and others elected; the remedy lies with the electors. This was no doubt theoretically a sound advice, but in practical application it was an impossible thing for Kalighat alone to achieve. All the three seats allotted for ward 22 had been a monopoly of Bhowanipore since the creation of the ward. Bhowanipore commanded majority of votes, in fact it had two-thirds of the total number of votes and they cared little for the one-third votes of Kalighat. Kalighat could not, therefore, exercise any control over the elections and the dismissal of councillors by them was out of the question. As I have already stated, three councillors have been allotted for ward 22. I think you will all agree with me when I say that joint responsibility is no responsibility. I do not want to increase the total number of councillors in the ward. Out of the three councillors

I want to make one councillor responsible for Kalighat and that cannot be done without separation of Kalighat from Bhowanipore. Kalighat has got its own special problems to solve. It is a famous place of pilgrimage and innumerable pilgrims visit the shrine of the presiding deity of *Kali-Kshetra* from all parts of India—the women pilgrims predominating. The conditions under which most of the pilgrims have to live in the *bustees* are simply appalling. If the members cared to visit the slums of Kalighat—the loathsome lepers contaminating the atmosphere of thickly frequented streets, the tuberculosis section where there are tuberculosis patients in every household, they will simply be shocked at the sight and wonder whether this locality formed a part of this city of palaces. The continued neglect and indifference to the interests of Kalighat call for early redress. The poor ratepayers had cried themselves hoarse for the redress of their grievances but had little response from the authorities concerned. The remedy suggested by my friend Mr. Forrester can only be effective if Kalighat is formed into a separate ward with one councillor responsible for it. I should like to appeal to the House to give the matter the consideration it deserved and find out a way to redress the long-standing grievances of the people of Kalighat. With these few words I commend my motion for reference of the Bill to the Select Committee to the acceptance of the House. If there are defects in the Bill, they can be rectified and improved in the committee stage.

The following motion was called but not moved:—

Maulvi HASSAN ALI to move that the Bill be re-circulated for the purpose of eliciting opinion thereon before the 15th November, 1932.

Mr. J. CAMPBELL FORRESTER: Sir, I congratulate the hon'ble member who has just sat down on his wonderful energy in this House, and we all sympathise with him for the little results of his resolutions. I am quite sure that this is another example of the unfortunate position in which he will find himself for bringing in a measure which is unnecessary. This question of separation of Kalighat is one, Sir, for which there is no possible reason. On a previous occasion I pointed out that it was just what was called in England the making of pocket-boroughs by which a small area returns one man to the Council and that man retains his seat permanently. Now, Sir, the Corporation considered this matter very seriously and it has sent its report against this Bill. This piecemeal type of legislation is entirely wrong and ought not to be encouraged in this House. At the present moment there is some idea of redistribution of wards in the near future with a view to having more equalisation of the various wards and their representation. Better have a legislation of that sort. But, Sir, I condemn the efforts of my energetic friend in trying to waste the time of this very busy Council. I oppose the Bill.

Maulvi ABUL KASEM: Sir, I rise to support my friend Rai Mahasai though I have not been able to follow his speech or understand what it is. But I rise simply to reply to Mr. Campbell Forrester when he says that this is an attempt to create pocket-boroughs. I might say, he is entirely wrong. Pocket-boroughs are created for people who have particular influence in a particular area where weaker and less influential people cannot compete with them. Here the idea is that Bhowanipore, which has influential residents, is linked with Kalighat, which has weaker and less influential residents, with the result that when there is competition between the two—strong and weak people—the weak only suffer.

Sir, we have heard of communal minority; but here is a case of geographical minority. One particular quarter which is richer and more influential sends three representatives, while the other quarter which is linked with it is neglected and is unable to send any representative.

Well, Sir, simply because at some future date there will be redistribution of wards, we cannot wait for that. It is a very simple matter. The ward, as constituted at present, sends three representatives and all these three representatives come from Bhowanipore. Kalighat has not been able to secure a seat for any of her residents and thus it shows the effect of geographical minority in Calcutta.

Babu JITENDRALAL BANNERJEE: Sir, I should like to give my strongest support to Rai Mahasai's motion. Mr. Campbell Forrester's new-born love for the Calcutta Corporation is delightful to behold. Only it is a pity that this love is not quite so evident in the Corporation itself! Mr. Campbell Forrester objects to piecemeal legislation. This is a sort of parrot-cry often trotted out against all attempts to make amendments in existing Acts. There is no question of piecemeal legislation here. We approached the Corporation first; the Corporation was given ample opportunity to make this much-needed reform; but they refused to avail themselves of the opportunity. Consequently there is no alterative before us but to come to this House. It is not we who ask for piecemeal legislation, it has been forced upon us by the insensate action of the Corporation, of which Mr. Campbell Forrester knows as much as we do. He talks about the creation of pocket-boroughs. Well, Sir, he has been sufficiently answered. There is no question of a pocket-borough in separating Kalighat from Bhowanipore. Mr. Campbell Forrester calls himself a radical in politics. Now, one of the cardinal principles of radicalism is to have single-member constituencies—small, compact, homogeneous constituencies returning one member each—thus giving the poor man a

chance against plutocrats and organised caucuses. But what Mr. Campbell Forrester advocates and encourages in England, he would discourage here.

Sir, the case for Kalighat is complete. It is a definite and distinct area with definite traditions of its own. It is a constituency of more than 10,000 inhabitants, with a voting strength of about 1,500, which is more than that of many other existing constituencies of the Corporation. Its taxing capacity is also more than that of many other wards. Thus, so far as Kalighat is concerned, its demand is complete and unanswerable. By being linked up with Bhowanipore, its interests have been badly neglected, and bare justice demands that it should be separate from Bhowanipore and allowed to send its own representative to the Corporation.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I do not want to take up much time. All that I want to say has already been said by the other speakers. On a previous similar occasion I had ample justification for objecting to the Bill being taken up in this Council. My main reason was that in the Calcutta Municipal Act there was a section containing provisions for the alteration of the schedules in which the boundaries of the different wards had been put and it was within the powers of the Corporation to change the boundaries of the wards, and I wanted my friend to try and see what he could do with the Corporation to change the schedules. Now, I find that all that the Corporation has said is that they reaffirm their previous resolution, dated 1st July, 1931. That justifies my friend's apprehension that there are some influential people in the Corporation who would not like the division of the Bhowanipore ward into two parts. Sir, it cannot be denied that Bhowanipore is now inhabited by a large section of educated and influential Bengali gentlemen and Kalighat cannot boast of having large number of that class of people. Naturally the three seats given to Bhowanipore and Kalighat ward have been captured by the people of Bhowanipore. From what I have been able to gather from my friend, I have ample justification for changing my opinion, and I give my support to my friend's motion that the Bill be referred to a Select Committee.

5-30 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not propose to enter into the controversial question as to whether there should be a pocket-borough or not, by separating Kalighat from the rest of the Bhowanipore ward. But this much I can say that under one of the sections of the Calcutta Municipal Act, viz., section 483, the Corporation

of Calcutta can recommend to Government the separation of any of the constituencies, or to divide it for the purposes of election. Twice the matter was referred to the Corporation and twice it was opposed by the Corporation.

Now, if on the recommendation of a few individuals in any of the constituencies a ward is allowed to be divided, I think the principle of self-determination will be carried too far. Moreover, the principal ground on which my friend, the Rai Mahasai, has urged his motion is that the Kalighat portion of ward No. 22 has been neglected. To this my answer is: not at all. The figures which have been supplied to Government by the Calcutta Corporation fully and clearly show that the interest of Kalighat has been very adequately protected. (Babu JITENDRALAL BANNERJEE: Those figures are entirely misleading. They cannot be placed before the Council.) However, I have got these figures from the Calcutta Corporation and I am not prepared to accept that they are misleading. The Corporation spent Rs. 5,16,500 on the Kalighat area, whereas they spent only Rs. 3,41,600 on Bhowanipore, that is, on the rest of ward No. 22, since 1924; this shows that the interest of Kalighat was not neglected. But if in spite of this the mover presses his motion for separation, there is no other alternative for Government but to oppose it. Government cannot easily ignore the opinion of a body like the Corporation, when they state that they spent adequate sums for the improvement of Kalighat; there is, therefore, absolutely no justification whatsoever for this separation of ward No. 22. The Rai Mahasai has said that Kalighat has got its own problem, but what is that own problem, may I inquire? (Mr. B. C. CHATTERJEE: Lepers on the Kalighat roads—disgraceful to any Corporation.) The leper problem is all over Calcutta, not confined to Kalighat.

Mr. B. C. CHATTERJEE: I would ask the Hon'ble Minister to pay a visit to Kalighat and see for himself. All those lepers that come to Calcutta flock to Kalighat and infest all the roads.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: But I would like to know how the separation of Kalighat for the purpose of electing a councillor will solve the leper problem. That the Corporation have not evidently neglected the interests of Kalighat, their figures of expenditure prove conclusively. As this is the only ground on which the Bill has been placed before the House, I think this reply of mine is a conclusive answer and the House should reject the motion.

Mr. PRESIDENT: I will split the motion into two parts just to find out first if the House is agreeable to send the Bill to a Select Committee, leaving aside the question of personnel of the committee for the time being. I will now put the question that the Calcutta Municipal (Amendment) Bill, 1931, be referred to a Select Committee.

The motion was put and a division was taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jagendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chaudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chawdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Ghose, Dr. Amulya Ratan
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Seth Hunuman Prosad.
Rahman, Mr. A. F.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.

NOES.

Austin, Mr. J. M.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Geppinger, Major-General W. V.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Pawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Henderson, Mr. A. G. R.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. N. C. V.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Mr. Sailesswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sen, Mr. B. R.
Stapleton, Mr. H. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 55 and the Noes 38, the motion was carried.

The following motions were called but not moved:—

Maulvi HASSAN ALI to move that after the name of Mr. Syamaprosad Mookerjee the following names be inserted, namely:—

Maulvi Abdus Samad,
Kazi Emdadul Hoque,
Maulvi Syed Jalaluddin Hashemy, and
Maulvi Hassan Ali.

Rai Bahadur KAMINI KUMAR DAS to move that after the name of Mr. Syamaprosad Mookerjee the following names be inserted, namely:—

Babu Khetter Mohan Ray,
Rai Bahadur Dr. Haridhan Dutt,
Babu Hem Chandra Roy Choudhuri,
Rai Bahadur Kamini Kumar Das, and
Haji Badi Ahmed Chowdhury.

Haji BADI AHMED CHOWDHURY to move that after the name of Mr. Syamaprosad Mookerjee the following names be inserted, namely:—

Khan Bahadur Muhammad Abdul Momin,
Mr. H. S. Suhrawardy,
Mr. A. K. Fazl-ul Huq,
Khan Bahadur Maulvi Alimuzzaman Chaudhuri, and
Maulvi Nural Absar Choudhury.

The following motion was then put and agreed to:—

"That the Calcutta Municipal (Amendment) Bill, 1931, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department;
(*2*) Mr. H. P. V. Townend;
(*3*) Mr. P. Banerji;
(*4*) Babu Jitendralal Bannerjee;
(*5*) Mr. Shanti Shekhareswar Ray;
(*6*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;
(*7*) Seth Hunuman Prosad Poddar;
(*8*) Babu Jatindra Nath Basu;
(*9*) Mr. B. C. Chatterjee;
(*10*) Mr. Syamaprosad Mookerjee; and
(*11*) Munindra Deb Rai Mahasai,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

5-45 p.m.

The Bengal Mela Sanitation Bill, 1932.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move for leave to introduce a Bill to make better provisions for public health and sanitation in the Presidency of Bengal.

The motion was put and agreed to.

[The Secretary then read the short title of the Bill.]

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, at the outset I want to say in a few words that at present district boards have not got the necessary sanitary and public health control over various *melas* and fairs which are practically the medium through which epidemics and other diseases spread out. At present there is no control over a man suffering from an infectious or contagious disease selling things in a *mela* or fair. Another feature of the Bill is that it has been the practice in a large number of these *melas* that a certain number of public women come and make temporary settlements in the *mela* area. My Bill wants to put a stop to this practice being continued in the *mela* area not only, but also within a certain area which will be decided by the district boards. The fourth provision is that men suffering from infectious or contagious diseases will not be allowed to go into these *melas* and fairs. For these reasons I formally move that said Bill be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department;
(*2*) Mr. H. P. V. Townend;
(*3*) Khan Bahadur Muhammad Abdul Momin;
(*4*) Dr. Sir Nilratan Sircar, KT.;
(*5*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;
(*6*) Rai Bahadur Keshab Chandra Banerji;
(*7*) Mr. Narendra Kumar Basu; and
(*8*) the mover,

with instruction to submit their report within sixty days and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The following motions were called but not moved:—

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be circulated for eliciting public opinion thereon before the 30th November, 1932.

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th of November, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th of November, 1932.

Sir, I move this amendment on the ground that as certain responsibilities are going to be placed on the officers of municipalities and district boards and the municipalities and district boards have not been consulted as yet, it is only fair that they should be given an opportunity of expressing their opinion.

Khan Bahadur Maulvi AZIZUL HAQUE: I have no objection to accepting the motion for circulation of the Bill in order to enable municipalities and district boards to express their opinion on the Bill. With your permission, Sir, I would like to accept the amendment proposed by the Hon'ble Minister.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Khan Bahadur Azizul Haque, therefore, failed.

The Cess (Amendment) Bill, 1932.

Babu KHETTER MOHAN RAY: I beg to move for leave to introduce a Bill to amend the Cess Act, 1880 (Ben. Act IX of 1880).

The motion was put and agreed to.

[The Secretary then read the short title of the Bill.]

Babu KHETTER MOHAN RAY: I beg to move that the said Bill be taken into consideration.

Sir, it has been held by the Calcutta High Court (I.L.R. 13 Cal., page 197) that the publication of the notice under section 52 of the Cess Act is a condition precedent to the holder of the lands held rent-free, being bound by the valuation roll prepared by the collector. In a suit for arrears of cess for rent-free land within any estate or tenures it has been found very difficult to prove publication of notice under section 52, as such notices are generally served by peons temporarily employed in the Cess Valuation offices. It is indeed very difficult to trace the whereabouts of the peons who are entrusted with the publication of notices. Sometimes the costs of searching after the peons are not commensurate with the amount of cess claimed in the suits. The result is, almost all the suits are dismissed for want of proof of the publication of notices under section 52. In order to obviate these difficulties, section 13 of the Bengal Cess Amendment Act of 1910 was enacted for Western Bengal. But as the districts under the Commissioners of the Chittagong, Rajshahi and Dacca Divisions were at the time administered by the East Bengal and Assam Government, the provisions of the said amendments are not applicable to those districts. Section 52A provides that whenever any notice was published under section 52, the collector shall sign a certificate to that effect, and such certificates will be conclusive proof that the publications have been duly made. For the ends of justice and also for the sake of uniformity of law, it is desirable that the provisions of section 52A should be made applicable to the districts mentioned above.

I appeal to the House to accept my motion.

The following motions were called but not moved:—

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th of December, 1932.

Maulvi NUR RAHMAN KHAN EUSUFJI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 31st October, 1932.

Haji BADI AHMED CHOWDHURY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 30th October, 1932.

Maulvi ABDUL HAKIM to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

The Hon'ble Member in charge of the Revenue Department,
Khan Bahadur Muhammad Abdul Momin,
Maulvi Tamizuddin Khan,
Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
Maulvi Muhammad Fazlullah,
Babu Amulyadhan Ray,
Dr. Naresh Chandra Sen Gupta,
Babu Jitendralal Bannerjee,
Rai Bahadur Keshab Chandra Banerji,
Maulvi Abdul Hamid Shah,
Babu Khetter Mohan Ray, and
Maulvi Abdul Hakim,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Hon'ble Sir PROVASH CHUNDER MITTER: Government have no objection to accepting the Bill.

The motion that the Cess (Amendment) Bill, 1932, be taken into consideration was then put and agreed to.

Babu KHETTER MOHAN RAY: I beg to move that the Cess (Amendment) Bill, 1932, as settled in Council, be passed.

The motion was put and agreed to.

6 p.m.

The Bengal Waqf Bill, 1932.

Maulvi ABDUL GHANI CHOWDHURY: I beg to move for leave to introduce a Bill to recover and administer the *waqfs* in Bengal.

The motion was put and agreed to.

[The Secretary then read the short title of the Bill.]

Maulvi ABDUL GHANI CHOWDHURY: Before I move my motion for reference to a Select Committee, I would ask for your permission, Sir, to put in the name of Maulvi Abul Kasem in place of that of Maulvi Syed Nausher Ali and also to add the names of Mr. H. R. Wilkinson and Mr. Muhammad Hossain. I beg to hand in their consent to serve on the Select Committee.

I now formally move that the Bengal Waqf Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of Education Department;
(*2*) Babu Jitendralal Bannerjee;
(*3*) Maulvi Abul Kasem;
(*4*) Dr. Naresh Chandra Sen Gupta;
(*5*) Rai Bahadur Keshab Chandra Banerji;
(*6*) Mr. Syamaprosad Mookerjee;
(*7*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;
(*8*) Khan Bahadur Muhammad Abdul Momin;
(*9*) Khan Bahadur Maulvi Azizul Haque;
(*10*) Mr. A. K. Fazl-ul Huq;
(*11*) Maulvi Tamizuddin Khan;
(*12*) Mr. A. F. Rahman;
(*13*) Maulvi Hassan Ali;
(*14*) Maulvi Muhammad Saadatullah;
(*15*) Mr. H. R. Wilkinson, C.I.E.;
(*16*) Maulvi Muhammad Hossain, and
(*17*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in introducing this Bill I do not think I need inflict a long speech upon this House, because the purpose of this Bill is so righteous, the necessity for it so urgent and the future of it so big with enormous possibilities directly for the Muslim community and indirectly for the whole of Bengal. The reason is obvious. If the Bill is passed into law, it will create a very big fund to ease the finances of the province and set free a large sum of money for nation-building departments which have been famishing for want of sufficient funds.

It is needless to reiterate that the evils, social, communal or national, that are eating into the very vitals of the nationals of this country are all due to lack of education. Riots, ruins, devastations, and plunders that have been the order of the day are all due to ignorance and illiteracy. You, Sir, desire for peace as much as all of us. But it is not in sight. You, Sir, want money to put the Primary Education Act into operation. You, Sir, hear of the complaints by other communities that the Muslims are not forthcoming with big donations for the advancement of knowledge. I confess and hang down my head in shame and mortification to say that we, the Muslims of Bengal, have contributed very little to advance education which our beloved Prophet declared compulsory for all children, males and females, above the age of six.

To-day, Sir, I take my stand to make amends for it by introducing this Bill. To-day, Sir, I will call upon my co-religionists to give their sanction to the Bill and get it passed into an enactment, so that the unutterable shame may be removed, so that large funds may be available to further the cause of education. This is the only aim that I have in view to introduce this Bill. I will appeal to my brethren of other communities to consider and help this Bill through so that they may not have the unpleasant duty of commenting on the ways of the Muslim community.

Sir, what is the intellectual wealth of our people? Nothing. Modern science and philosophy are new weapons of war in the world of to-day. The days of the sword and stray bloodshed are numbered. We must combat knowledge with knowledge. Knowledge cannot be fought with ignorance. The mere physical force is of no avail against intellectual force. I am a believer in "knowledge is power" and I want to arm our people with knowledge. Knowledge will give them peace, will feed them better and clothe them better. This art of knowledge must be provided for at any cost if we really have the country's welfare at heart.

Sir, this Bill will give us a resource to meet the problem of ignorance. You know, Sir, Bengal, though poor, is still full of *waqf* properties preserving the memory of the God-fearing, noble and charitably disposed Muslims of the past. But, Sir, I am very sorry to say that they are, in most cases, being dissipated in wrong direction. This is a tremendous fact, which most of the members of this House, I believe, have in their experiences. The remedy provided for by Act XLII of 1923 is not self-acting nor adequate. Further, it has not been given effect to, excepting in one or two districts.

Sir, I have made endeavours to draft this Bill to get quick and effective remedy with regard to *waqf* properties for which my esteemed and learned colleague Mr. Abul Kasem once fought in the Legislative Assembly. I understand a similar Bill is before the Bihar Legislative Council. In Egypt and Turkey there are separate portfolios for *waqfs*.

Waqfs, Sir, are essential religious institutions of the Muslim community and the Crown as *parens patriæ* should have a direct supervision and control over them. This Bill contemplates to institute a department self-sufficient in itself which will regulate the administration of the *waqfs* on behalf of the Crown.

Sir, I should not detain you longer. The provisions I have drafted will speak for themselves. They need to be revised, chiseled and hammered by more experienced hands. And I hope, Sir, under your guidance the intellectual powers and wide experience of this House

will shape this Bill and I trust, if enacted, it will go a great way in giving a better turn to the Muslim community and will solve a problem which I call the key-problem of this province.

May I not, therefore, Sir, count upon the wisdom and valuable experience of this House? Is there any member in this House, Sir, who will not see eye to eye with me in this matter? Is there any member who is not anxious to see that the *waqf* properties are better managed and better administered? Is there any member here who is indifferent to the Muslim education? Is there any member who will not agree with me that the *waqf* properties are being wasted and dissipated? Is there any member who will not passionately desire to see that the Muslims should be educated for the simple reason of establishing peace and tranquillity and increasing wealth in this province? Is there any member who will not understand the end and prospect of the Bill? I think, Sir, there is none. If there is none, then I am sanguine, this House will unanimously pass this Bill which contemplates to shower immense blessings upon the Muslim community and for the matter of that upon the whole province.

Sir, I am myself a *mutwalli* of a mosque, which has a very small property for its upkeep and maintenance. Yet I have been able to save about Rs. 17,000 during a short period of 10 or 11 years after disbursing all legitimate expenses and bearing litigation expenses up to the Hon'ble High Court. From my own experience I can boldly say that if the *waqf* estates are properly managed and due economy is regulated, there will be substantial savings every year even after paying proper allowances to *mutwallis* and other allowance-holders and meeting all legitimate expenses enjoined by the *waqfs*.

Sir, there may be some misgivings in the minds of the *mutwallis* or those interested in them. They think this Bill contemplates to kill them. But I can assure them that this is a wrong apprehension. This Bill will not insist upon anything which the *waqfs* or *waqfnamas* did not provide expressly or impliedly. This Bill contemplates to regulate the bare duties of the *mutwallis* for which they will have their remuneration according to the terms and conditions and practice of the *waqfs*. This Bill, on the other hand, contemplates to facilitate their functions and put a stop to unnecessary harassment and litigation of which they are often made victims by members of the public.

With these words, Sir, I beg to introduce this Bill and leave it to the wisdom and experience of this House.

Sir, before I resume my seat I beg to offer my sincere and cordial thanks to my most esteemed friends Maulvi Abul Hossain, M.L., Maulvi Naimuddin Ahmed, M.A., B.L., Maulvi Rommaruddin Ahmed, B.L., Maulvi Abdus Siddiq, B.L., and many others of the Dacca Bar for the troubles they have taken in helping me in drafting the Bill.

The following motion was called but not moved:—

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 15th November, 1932.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 1st November, 1932. In support of my amendment, I would like to state at the very outset that I congratulate the hon'ble member for introducing a Bill which, with necessary amendments, will be of great benefit to the Muslim community. I have personally always felt the necessity for this Bill and started collecting some statistics to enable me to introduce a Bill on the lines of that introduced by the mover to-day. But I have not been able to complete my material and, therefore, I have not been able to bring a Bill forward. There is no doubt that there is a keen demand from a certain section of the Muslim community (A VOICE: Not a section, but the whole community) to draw up this Bill, and I also agree with the hon'ble member that if a Bill of this kind is passed by the House, it will be possible to find funds which will enable the Muslim community to give better education to the members of their community. But the Bill which has been introduced to-day is, I am afraid, open to serious objection on various grounds, and although those objections can, to a certain extent, be rectified and amended in the Select Committee, yet I consider that it is very desirable that a Bill of this character should be sent for circulation for eliciting public opinion. It is one of the accepted principles that an important Bill should ordinarily, unless there are very good grounds otherwise, be sent for public opinion. This is an important Bill, no doubt, a complicated Bill which is liable to objection from various quarters, and there is no reason also why this Bill should be sent immediately to Select Committee. It is possible to obtain the opinion of the public by the 1st November, and the Bill can be referred to a Select Committee during the November-December session, and later on during the January-February session it can be taken into consideration by the House and passed. I submit that the hon'ble mover has given no reason whatsoever in his speech why the Bill should not take its regular course. The whole of his speech was in support of the Bill, that it is a good Bill and that it is desirable to have it. I agree with him, but he has not stated one reason why it should not be circulated for public opinion, and why it should immediately go to Select Committee.

Then, the Government is also very interested in this Bill. The policy of Government all along so far has been against the close association of Government officers with the administration of *waqf*

estates, and, in the opinion of Government, it is to a certain extent inconsistent with the provisions of Act XX of 1863. Therefore, they feel that to enable them to change their policy they should have the sanction of public opinion behind them. Secondly, there are certain clauses in the Bill, I would particularly refer to one, and that is in sub-section 17, clause 28, that refers to changing the character of a *waqf* and as to how the income is to be utilised; this actually alters the provisions that have been made by the law. Your alteration gives power to the court, if the court thinks it desirable, to declare that the income should be spent in a certain way. I consider that this is fundamentally wrong. However great may be the desire to advance Muslim education, and other Muslim causes, how can you change the original intention of the *waqf*? It is his money and he has decided that that money should be spent in a particular way, and, therefore, there can be no justification whatever for any case whatsoever to change the original intention of the *waqf*, and compel the money to be spent in the way other people want. I would like the House to consider this which is a very important clause.

Then, there is another point. This Bill provides that certain powers of the *mutwalli* should be changed. Now the *mutwallis* are enjoying these powers and they have the *shariat* behind them, and if a curtailment of these powers by legislation is to be considered, I think it is very necessary that public opinion of the Moslems should be obtained before this change is made. After all various Muslims at various places have expressed opinions as to the general desirability of having a Bill of this kind, but the actual thing drawn up has never been placed before them, and I do not think it is right that members of the Legislative Council should put the Bill through without obtaining their opinion on the actual provisions of the Bill.

In view of these facts, I appeal to the mover and to the members of this House not to accept the motion for reference to a Select Committee at the present moment; there is no immediate necessity and no harm can be done to the Bill. In no way will the object of the mover be frustrated. There will be every opportunity for the mover to refer the Bill to the Select Committee in December or in January session and there will be ample opportunity for getting the Bill through the Council during the winter session, and, therefore, he ought to give the public an opportunity of expressing an opinion. I think it will be in the interests of the Bill, and without going into any details, I can tell the members of this House that there will be very serious opposition to the Bill from various bodies, even after it has gone through the Select Committee. If you want the Bill to go through, you must have public opinion solidly behind you, and you can only do that by referring it for public opinion. Once it goes to Select Committee and comes up before this Council, you will not have that public backing behind you.

and you will have to face this House in addition when it will be very difficult to get the Bill through. Therefore, I would like the members of this House to consider the question very seriously, and I request the mover to accept my motion that the Bill be circulated for eliciting public opinion.

Mr. PRESIDENT: There are three more amendments, all more or less similar. I think these need not be moved; but on technical grounds I shall call out the names of the movers thereof as the dates given in them do not synchronise.

The following amendments were called but not moved:—

Maulvi NUR RAHMAN KHAN SUSUFJI and MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be circulated for eliciting public opinion thereon before the 31st October, 1932.

Haji BADI AHMED CHOWDHURY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 30th October, 1932.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I wholeheartedly support the motion for referring the Bill to the Select Committee. As the mover has already explained, the Bill aims at utilising the *waqf* estates for the promotion of education, improvement of public health and sanitation and kindred nation-building departments which are languishing undeservedly for want of funds. The object of the mover is, indeed, very laudable. He has brought forward this Bill with the best of motives in order to prevent the diversion of *waqf* funds to undesirable channels, and in order to secure the proper utilisation of these funds we can do nothing better than to support the Bill sponsored by my friend Maulvi Abdul Ghani Chowdhury. If large sums of money are set free, as contemplated in the Bill, not only the Moslem community will be benefited but the whole province will be benefited. The Hon'ble Minister for Education has placed the Primary Education Act on the Statute Book, but it has not yet been possible for him to put it into operation owing to the prevailing economic distress which has vitally affected both the landlord and the tenant who are to bear the brunt of taxation to finance the scheme of primary education. If the Bill is passed into law, it will enable the *waqf* estates to provide money for primary education and meet other essential expenditure calculated to benefit human society.

Sir, there are many *waqf* estates in Bengal which are really the gifts of charitable persons as has rightly been observed by the mover. The remedy provided by the Act of 1923 is not adequate. Besides, the Act has been more or less a dead letter. *Waqfs* are religious institutions for the benefit of Muhammadan boys and the Crown have got the right to exercise direct supervision and control over them. In the above circumstances, the House ought to give their support to the motion to refer the Bill to a Select Committee. I cannot understand why the Hon'ble Minister opposes the motion. He admits that so far as the principle of the Bill is concerned, it is a good one, but at the same time he urges that the Bill should be circulated for eliciting public opinion thereon. I do not say that all the provisions of the Bill are ideal, for nothing is perfect in this world. If the Bill is referred to a Select Committee, it will be in a position to remove its defects, if any, and this House will have an opportunity later on to give its verdict on the provisions of the Bill. With these few words, I beg to support the motion for reference of the Bill to a Select Committee.

Maulvi ABUL KASEM: I am surprised, disappointed and not a little amused by the grounds put forward on behalf of Government by the Hon'ble Education Minister. The *waqf* legislation has a history behind it and I am sorry to say that the Government of Bengal has always been a stumbling block to any action in the direction of its improvement. Many years back, as far back as 1917, Mr. A. K. Fazl-ul Huq drafted a Bill and when he wanted to introduce it in the Bengal Legislative Council, he was told that sanction could not be granted to him by the Government of Bengal because it was an all-India legislation and should be taken up by the Viceroy's Council. When I presented a Bill in the year 1923 to the Legislative Assembly, it was circulated for opinion and it may be said to the credit or discredit of the Government of Bengal that they were only the Provincial Government to oppose that Bill, lock, stock and barrel. Happily I managed to get it through in spite of the vehement opposition of Sir Malcolm Hailey and I hope history will repeat itself in this House. My friend the Hon'ble Minister of Education's arguments are that he has every sympathy for this Bill, but some of the provisions are drastic and they require an expression of public opinion on those points. I appeal to him as an educated and cultured Mussalman but not as Minister of Bengal to say if he is not aware that Mussalman opinion, educated and uneducated but certainly unprejudiced opinion, has been unanimous in favour of a legislation of this kind. I certainly agree with him that we cannot under the Muhammadan Law deviate from the intentions of the *waqf* by utilising the money intended for other purposes for education or for other laudable objects that may be. That is a question of detail which may be perfectly argued in the Select Committee though I would like

to remind the Hon'ble Minister that Government which he represents once said for the benefit of Islam and the Mussalmans of Bengal when the case of Mohsin Fund was under consideration, but that is beside the point. What I mean to say, that although the Hon'ble Minister has assured us that there is no desire on the part of Government to shelve this matter or to delay it, he has not shown the way how we can get this through in the November or December session even if it be circulated for opinion. He has told us that we can get it through in the November session of this House, but probably we will not. Whether it is so or not, the question before the House is to refer the Bill to the Select Committee. What is meant is that we should accept the principle of the Bill and nothing further than that. We do not accept the details. If it means anything at all, it means that the principle is accepted by the Mussalmans all over the province, but the details can be settled later on. The Hon'ble Minister himself will preside over the Select Committee and he can direct our attention to the objectionable portions and can then secure public opinions on those points. It has been said that we cannot utilise the money for other purposes than those mentioned in the *waqf*. For the information of this House I may say that although we have failed to get any information from the Government of Bengal up to the present day, in 1887 a committee was appointed by the then Government of Bengal, presided over by Sir Rivers Thompson, which went into only the educational portion of the endowment in Bengal and Bihar. Their report is still in the Government Secretariat or in the office of the Director of Public Instruction and you will find from it that Rs. 19,00,000 of annual income is available purely for educational purposes in this province. I am talking of 1887; since then surely there have been various other grants. The fact is that by experience we found that the Act of 1923 is ineffective, although we thought it to be sufficient when we passed it, because the whole machinery to work it is wanting. I tried to introduce a legislation to provide a machinery for carrying this out and I was told that the sanction of the Governor General in Council was required. I applied to the Governor General for sanction and I appealed to the Government, but I was told that Government could not sanction it. I will not say why. I can show by facts and figures that the Government of Bengal in order to protect vested interests have always been against any action. Even according to the provisions of the Act of 1923, every District Judge has to receive and register all accounts of *waqf* estates, but few District Judges are inclined to take action in that direction. We want something to be done and that at once. The Select Committee is a big one and it will be presided over by the Hon'ble Minister and Mr. Wilkinson will be there and whatever information they want they can have from the Bengal Secretariat. Therefore, there is no reason for circulating it for opinion. If it would benefit anybody to learn, I can tell him that we, the members of the Mussalman Advisory Committee or whatever it is called,

have been moving from place to place all over Bengal and every Mussalman that has come before us has asked us to do something. Without perhaps a single dissentient voice they demanded that legislation should be undertaken so that misappropriation of *waqf* properties may be stopped. Mussalmans of Bengal have been appealing to the Government of Bengal for some help to their educational institutions and to their poor boys, but Government have always replied overborne with sympathy, pity and compassion for the Muhammadans that they regret that the fund at their disposal will not permit them to do it. We stand before you now and before this House, not as beggars before Government for financial help in our endeavour for our educational advancement but all we want is your sanction and authority for realising the money left by our great ancestors for the educational advancement of our community. I may go further and say that our people foresaw the difficulties in these unfortunate days and they provided for this by their splendid gifts. Through degeneration the present trustees of these *waqf* estates with very few exceptions have been misappropriating this money. They are criminally guilty of misappropriation, but Government of its own motion will take no action against them nor will they help us in realising that money to make better use of it. What is more deplorable is that these *waqf* properties or at least a large number of them are treated as personal properties and are transferred as such. Thus we have lost a very large slice of the original grants and rich endowments. Although the Act of 1923 provides for the protection of these grants, Government have not taken any steps to give effect to it. I appeal to this House that the matter may be referred to the Select Committee; by this we pledge ourselves to nothing but the principle of the Bill. I hope the House will not be carried away by the promise that we will get this through in November or December or January next.

Mr. A. K. FAZL-UL HUQ: The action proposed by my friend the Hon'ble Mr. Khwaja Nazimuddin will, in practice, lead to the shelving of the Bill. It reminds me of a proverb prevalent in our part of the country, a Bengali proverb. [Here the member quoted a proverb in Bengali.] There are people who may not have power to do any good, but they have immense power to do mischief. Our Indian members of the cabinet find themselves perfectly impotent in trying to induce Government to follow the trend of public opinion, but when the time comes for collecting votes in favour of the Criminal Law Amendment Bill, their activities manifest themselves in various ways. Moreover, my friend Mr. Abul Kasem has already pointed out that in spite of the ardent desire of the Muslim community that steps should be taken to recover the proceeds of the various *waqf* endowments, the Government of Bengal has repeatedly obstructed every attempt that has been made

from time to time to place these endowments on a footing under which they might be used for the benefit of the community at large. My friend the Hon'ble Mr. Khwaja Nazimuddin says that there might be opposition to the Bill. I do not know if he has got a nightmare. If he has got any experience outside the city of Dacca, that would have told him that the opinion amongst Muslims is very strong that something should be done to save the *waqf* estates from maladministration and misappropriation. Having this knowledge at his disposal, how can he seriously tell this Council that there is even the slightest possible chance of any opposition to the provisions of this Bill? Mr. Abul Kasem has said that the amount of endowments for public and other purposes in Bengal alone comes to Rs. 18,00,000. In the year 1917 when I drafted my Bill I made a rough estimate and found that the figure might come up to Rs. 50,00,000, about half a crore. I certainly think that if we could save the various endowments from maladministration and misappropriation and if all the Muhammadan *waqf* and Hindu endowments were held together and the money spent for educational purposes, the question of primary education in Bengal will be solved without any necessity of imposing a tax of a single pie on the people. There is one point which I will ask my Muhammadan friends to remember in this connection.

6-30 p.m.

Now, Sir, there is one point which I would ask my Hindu friends to remember in this connection. Most of the *waqfs* made provision for education and sanitation and they will be pleased to hear that in most of these cases no distinction is made between Hindu and Muhammadan. In many cases, in many parts of the country, the *mutwallis* are Hindus, and as a matter of fact almost the entire management is under Hindu officers. I do not know if at the present moment the House will be well-advised to accept the motion for circulation for eliciting public opinion. Sir, I am sure if this step is taken, the Bill will be shelved, and I think there will hardly be any occasion or any opportunity of taking it up in the near future. Why should we wait till November or December or January? We should deal with the matter here and now. It has already been delayed long and it has been before the public for a long time. There is not a single person who will raise any protest against this Bill: it has the unanimous support of the Muhammadan community. Sir, my friend Maulvi Abul Kasem referred to the evidence given before the Education Committee. That was a committee set up by the Education Minister himself and its members made extensive tour throughout Bengal, and examined witnesses—gentlemen belonging to the Moslem community, who were in a position to give authoritative expression of opinion on these points—and the opinion has been unanimous that some action should be taken in order to find some

remedy. My friend Maulvi Abul Kasem has said and said rightly, that the Waqf Act of 1923 is incomplete and the present enactment simply seeks to put into a statutory shape certain provisions in order to put them into practice. There must be something for putting theory into practice and this Bill aims at doing that. As regards the apprehension of the Hon'ble Minister that this Bill might have the effect of changing the provisions of the Act, I beg to remind him that there are occasions when we have got to go against the provisions of the Waqf Act itself because these provisions cannot be carried out. As pointed out by Mr. Momin just now, supposing there is a provision that Rs. 50,000 should be spent on the Calcutta Madrasah and the Calcutta Madrasah ceases to exist, there must be some means of deciding how this Rs. 50,000 set free will be spent; I think that is not going counter to the wishes of the donor. As a matter of fact, all these things will be taken into consideration in the Select Committee. I think that at the present moment no case has been made out for circulation of the Bill for the purpose of eliciting public opinion, because public opinion is already known and it is no use circulating the Bill for opinion which is already known not only to this Council but to the country at large. I, therefore, appeal most strongly to my Hindu friends here to give us their support, because by this means the question of education amongst our community will be solved and we expect that in the near future a similar Bill will be brought forward to rescue the Hindu endowments. I hope that by working hand in hand and effecting economy where economy is needed and thus carrying out the wishes of our forefathers with regard to education, sanitation and other measures, we shall be laying broad and deep the spirit of fellowship which is so needed in order to bring happiness to our common country.

Mr. SHANTI SHEKHARESWAR RAY: At this stage I do not want to go into the merits of this measure. I think the Hon'ble Minister has made a reasonable request and it is in the fitness of things that the House and the mover of the motion should accept the reasonable suggestion for the circulation of the Bill. Whenever the Government bring forward a motion, we always press for circulation before sending the measure to a Select Committee so that the normal procedure may be followed and it should not be for us to depart from that very reasonable course. In that case if we avoid circulating such Bills, Government may also say—as they always say—that public opinion is well known and we do not want to circulate such measures. There is another point. I am not sure whether this measure has the unanimous support of the country. I do not know what the feeling of the Muhammadans in the country is, but I can say that in connection with the question of interfering with the *waqf* and other religious endowments, there is great divergence of opinion. So by the circulation of the Bill an opportunity will be given for public opinion to be elicited.

Mr. B. C. CHATTERJEE: I support the motion to circulate the Bill, if the Hindu members are going to vote for it; and I appeal to my friend, the mover, to accept the motion of my friend, the Hon'ble Mr. Nazimuddin. If you want to carry this measure through, you will have to have our votes, and it is extremely difficult for the Hindu members to come to a reasonable decision unless both the parties who are divided on this question have had their full chance of giving their opinion on it. After all, Sir, in a measure like this conflicting interests are sure to arise, and I submit there is great danger in our having legislation of this description without eliciting the opinion of those who will be affected by it. Take our *debuttar* properties. We have private *debuttar* and public *debuttar* and we know there is a great distinction between them. So is there distinction, I should think, between public *waqf* and private *waqf* (cries of "no, no; yes, yes")? Some say there is, some say there is not. I submit, Sir, that the Moslems of Bengal as a whole should be given a chance to give their opinion on it before you ask us, Hindus, to vote for it. This legislation almost partakes of the nature of what we fear may be considered predatory legislation. It may result in very great hardships to those who are at present benefited under *waqf*. My friend (Mr. Abul Kasem) says that I am under a misapprehension. Is his the only voice that is to count? Am I to vote simply because Mr. Abul Kasem asks us to vote? Why should I not consult those who are represented by Mr. Nazimuddin? Why do you ask us, Hindus, to commit ourselves to your point of view without giving us an opportunity of considering the points of view of others? Therefore I would ask my Muhammadan friends to accept the suggestion of Mr. Nazimuddin. I have every sympathy with the mover, but I think he should give us reasonable time and opportunity for making up our minds after considering the pros and cons of the subject.

Babu JITENDRALAL BANNERJEE: I rise to give my strongest support to the motion for referring the Bill to a Select Committee. So far as the Hon'ble Minister's motion to circulate the Bill for eliciting public opinion is concerned, it is a trap laid for shelving the Bill, and I am surprised that astute politicians like Mr. B. C. Chatterjee and the Kumar Bahadur of Tahirpur should have fallen, or pretend to fall, into that trap. The talk of consulting Muslim public opinion is the thinnest of eye-washes. Moslem public opinion is represented by the 39 members from that community who are present in this House, and they are unanimous in supporting this motion. It may be said that the Hon'ble Minister objects, and he is a Mussalman. Well, Sir, as for that, a Minister is Minister—a limb of the Government, he has no right to speak on behalf of the Moslem community. Those who can speak on their behalf are Mr. A. K. Fazl-ul Huq, Mr. Abul Kasem,

Khan Bahadur Abdul Momin and others to my left; and when it comes to consulting the opinion of the community, I am prepared every time to take the word from them in preference to the Hon'ble Mr. Nazimuddin. By the way, this solicitude for public opinion did not trouble the Hon'ble Minister when the Primary Education Bill was on the tapis. He refused even to have a Select Committee then, and now he comes forward to ask for public opinion! In view of the unanimous opinion of the Moslem members of this Council, I support the motion for referring the Bill to a Select Committee.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, as I have already said while speaking on the original motion, I repudiate the suggestion that I have put forward the amendment with the idea of shelving the Bill. I submit, Sir, there is ample time up to March for bringing in the Bill and for the Bill to be put through. The point which I now want to refer to is this. It has been said that the Government of Bengal is opposed to this Bill. As a matter of fact, they are not opposed to a Bill of this nature in principle. But what prevented them from lending support to such measures in the past was due to the accepted principle, as I have already said, that Government and Government servants should not interfere so far as the management of public *waqfs* and charities are concerned. I shall read to the House the provisions of Act XX of 1863:

"Except as provided in this Act, it shall not be lawful for any Government in India, or for any officer of any Government in his official character, to undertake or resume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any mosque, temple or other religious establishment, or to take any part in the management or appropriation of any endowment made for the maintenance of any such mosque, temple or other establishment, or to nominate or appoint any trustee, manager or superintendent thereof, or to be in any way concerned therewith."

Sir, this principle prevented Government from giving any support to such Bills whenever they have been put forward in the past and it is this principle which is still troubling them. But I would suggest a solution of this difficulty, which, I hope, the mover will accept, namely, that the Bill be sent to the Select Committee with the recommendation that the Select Committee should obtain public opinion thereon. If this meets with his consent, then the Select Committee after consulting public opinion may come to decisions which can be put before the Council and got through easily. I do not think there can be any objection to an amendment like this.

Maulvi ABDUL GHANI CHOWDHURY: Sir, I accept the suggestion made by the Hon'ble Minister.

6-45 p.m.

Mr. PRESIDENT: I should now read out the names as they appear in the original motion for the Select Committee, and then take up the amendments which propose inclusion of more names.

The following motions were called but not moved:—

Dr. AMULYA RATAN GHOSE to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Mr. R. Maiti,

Babu Satish Chandra Ray Chowdhury,

Babu Kishori Mohan Chaudhuri, and

Dr. Amulya Ratan Ghose.

Babu KHETTER MOHAN RAY to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Maulvi Syed Osman Haider Chaudhuri,

Babu Khetter Mohan Ray, and

Munindra Deb Rai Mahasai.

Khan Bahadur Maulvi MUAZZAM ALI KHAN to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Maulvi Nur Rahman Khan Eusufji, and

Khan Bahadur Maulvi Muazzam Ali Khan.

Rai Bahadur KAMINI KUMAR DAS: I beg to say that I have not received the consent of Rai Bahadur Satyendra Kumar Das and shall accordingly with your permission move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Maulvi Nural Absar Choudhury;

Rai Bahadur Kamini Kumar Das; and

Haji Badi Ahmed Chowdhury.

MUNINDRA DEB RAI MAHASAI: I beg to move that after the name of Maulvi Muhammad Hossain the following names be inserted, *viz.*:—

Mr. P. Banerji; and

Munindra Deb Rai Mahasai.

The following motions were called but not moved:—

Maulvi NUR RAHMAN KHAN EUSUFJI to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Maulvi Abdul Hamid Shah,

Maulvi Nur Rahman Khan Eusufji, and

Maulvi Azizur Rahman.

Maulvi ABDUL HAKIM to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Maulvi Syed Majid Baksh, and

Maulvi Abdul Hakim.

Maulvi SYED OSMAN HAIDER CHAUDHURI to move that after the name of Maulvi Muhammad Hossain the following names be inserted, namely:—

Nawabzada Khwaja Muhammad Afzal, Khan Bahadur, and

Maulvi Syed Osman Haider Chaudhuri.

Haji BADI AHMED CHOWDHURY to move that after the name of Maulvi Muhammad Hossain the following names shall be inserted, namely:—

Maulvi Syed Majid Baksh,

Mr. H. S. Suhrawardy,

Babu Jatindra Nath Basu,

Mr. A. F. M. Abdur-Rahman,

Maulvi Abdul Hamid Shah,

Maulvi Nural Absar Choudhury, and

Haji Badi Ahmed Chowdhury.

The motion of Rai Bahadur Kamini Kumar Das was put and agreed to.

The motion of Munindra Deb Rai Mahasai was put and lost.

A motion in the following form was then put and agreed to:—

"That the Bengal Waqf Bill, 1932, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of Education Department,

(*2*) Babu Jitendralal Bannerjee;

(*3*) Maulvi Abul Kasem;

(4) Dr. Naresh Chandra Sen Gupta;

(5) Rai Bahadur Keshab Chandra Banerji;

(6) Mr. Syamaprosad Mookerjee;

(7) Khan Bahadur Maulvi Alimuzzaman Chaudhr

(8) Khan Bahadur Muhammad Abdul Momin;

(9) Khan Bahadur Maulvi Azizul Haque;

(10) Mr. A. K. Fazl-ul Huq;

(11) Maulvi Tamizuddin Khan;

(12) Mr. A. F. Rahman;

(13) Maulvi Hassan Ali;

(14) Maulvi Muhammad Sandatullah;

(15) Mr. H. R. Wilkinson;

(16) Maulvi Muhammad Hossain;

(17) Maulvi Nural Absar Choudhury;

(18) Rai Bahadur Kamini Kumar Das, M.B.E.;

(19) Haji Badi Ahmed Chowdhury; and

(20) Maulvi Abdul Ghani Chowdhury,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Select Committee were also instructed to consult public opinion on important points of detail connected with the Bill before submitting their report.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 1st November, 1932, therefore, failed.

Standing Committees.

Mr. PRESIDENT: I am to remind members that the election to the several Standing Committees will take place in the Library Room between the hours of 2 and 2-45 p.m. on Monday, the 8th August next. I shall now adjourn the Council.

The Calcutta Municipal (Amendment) Bill, 1932, by Munindra Deb Rai Mahasai.

Mr. NARENDRA KUMAR BASU: What about the Lord Mayor of Bansberia (laughter)—I mean the Lord Mayor of Calcutta's Bill?

Mr. PRESIDENT: That Bill has been referred to the Government of India; there are certain points in that Bill which appeared to me to be of doubtful character.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 8th August, 1932, at the Council House, Calcutta.

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